

drp

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY**  
**BENCH AT AURANGABAD**

**MISCELLANEOUS CIVIL APPLICATION NO.241 OF 2016**

Radha Datta Pachange  
Age - 26 years, Occ - Housewife  
R/o C/o Hirabai Garbhaji Bedre,  
Chaudhari Colony, Chikalthana  
Aurangabad

APPLICANT

VERSUS

Datta Ambadas Pachange  
Age - 31 years, Occ - Business  
R/o Mukkam Post Patas,  
In front of Nageshwar Temple,  
Taluka - Daund, District - Pune

RESPONDENT

.....

Mr. Rupesh A. Jaiswal, Advocate for the applicant  
Mr. Chandrakant D. Biradar, Advocate for the respondent

.....

**[CORAM : SUNIL P. DESHMUKH, J.]**

**DATE : 31<sup>st</sup> JANUARY, 2017**

**ORAL JUDGMENT :**

1. Rule. Rule made returnable forthwith and heard finally with consent of learned advocates for the parties.
2. This Miscellaneous Civil Application has been moved by applicant - wife for transfer of proceedings bearing Marriage

Petition No.296 of 2015 initiated by respondent - husband in the Court of Civil Judge, Senior Division, Baramati, to a court at Aurangabad.

3. Learned advocate for the applicant points out that two proceedings initiated by the applicant are pending at Aurangabad and are being attended to by the respondent. It is further being contended that applicant's father is no more and it is difficult for her to attend to the proceedings at Baramati, since there is no one who would be able to escort and accompany her to Baramati. It is further submitted that the respondent and his family members are influential persons and the applicant apprehends untoward incident.

4. Learned advocate for the respondent, on the other hand, contends that marriage between the applicant and the respondent is nullity, since the marriage, according to his instructions, has taken place during subsistence of applicant's first marriage. He submits, in order to vex and harass the respondent, proceedings have been initiated at Aurangabad, after proceedings for dissolution of marriage between the applicant and respondent had been initiated by the respondent at Baramati.

5. Though learned advocate for the respondent has submitted that two proceedings at Aurangabad are in retaliation in order to vex and harass the respondent and further that marriage between the parties is nullity, yet the situation will have to be viewed that the respondent is required to attend to proceedings at Aurangabad. In the circumstances and since death of father of the applicant is not disputed so also the difficulties in view of the same having been expressed by the applicant, it appears to be expedient to lean favourably to the request made under the miscellaneous civil application. Since the respondent is required to come from Baramati, dates in proceedings at Aurangabad may have to be so arranged, which would be convenient to the respondent - husband.

6. As such, the Miscellaneous Civil Application is allowed. Proceedings bearing Marriage Petition No.296 of 2015 pending before Civil Judge, Senior Division, Baramati, District - Pune be transferred to a competent court at Aurangabad. Rule is made absolute in terms of prayer clause "B". It is expected that dates in the proceedings at Aurangabad be so arranged as would be convenient to the respondent. It appears to be expedient that proceedings, particularly, the transferred one, are proceeded with

as expeditiously as possible and are disposed of within a period of six months from the date of receipt of papers by the competent court at Aurangabad.

7. Miscellaneous Civil Application stands disposed of.

**[SUNIL P. DESHMUKH, J.]**

drp/mca241-16