

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISC.CIVIL APPLICATION NO. 1 OF 2017

Sou Jayshri Santosh Bhosale

...Applicant

vs.

Shri Santosh Baban Bhosale

...Respondent

Mr.S.T. Bhosale for Applicant.

Mr.Rahul V. Shinde for Respondent.

**CORAM : S.C. GUPTE, J.
15 FEBRUARY 2017**

P.C.:

Heard learned Counsel for the parties.

2 This MCA seeks transfer of a matrimonial petition filed by the Respondent for divorce before the court of Civil Judge, Senior Division, Khed, District Pune to the court of Civil Judge, Senior Division, Latur.

3 It is the case of the Applicant that she has filed matrimonial proceeding, being a restitution petition under Section 9 of the Hindu Marriage Act, before the Civil Judge, Senior Division, Latur and a proceeding for maintenance and other reliefs under the Protection of Women from Domestic Violence Act before the Judicial Magistrate, First Class at Latur. Learned Counsel for the Applicant submits that the Applicant is an indigent person who is residing with her old parents at Latur. It is submitted that the distance between Khed, where the Respondent's matrimonial petition is pending and her parental home in Latur, is more than 550 kms and that she has no place for her accommodation in Khed, Pune. It is submitted that the Respondent has a family house in Osmanabad near Latur and keeps coming there over

weekends. It is submitted that the Respondent has been anyway attending two separate proceedings filed by the Applicant in Latur, as noted above.

4 Learned Counsel for the Applicant is agreeable to have the proceedings under the Domestic Violence Act transferred to the court of C.J.S.D., Latur so that all three proceedings, namely, Applicant's restitution petition, her application under the Domestic Violence Act and the transferred petition of the Respondent can be heard together. On these facts and further considering the fact that the divorce petition of the Respondent is on the footing that the Applicant is of unsound mind, it is in the interests of justice that the Respondent's petition for divorce be transferred to the file of C.J.S.D., Latur to be heard along with the Applicant's restitution petition.

5 The MCA is, accordingly, allowed in terms of prayer clause (a). It is also directed that Criminal Misc. Application No.283/2015 seeking relief under the Protection of Women from Domestic Violence Act pending before the J.M.F.C., Latur shall also be transferred to the file of C.J.S.D., Latur for hearing along with the two matrimonial petitions, referred to above.

6 The MCA is disposed of accordingly.

7 At the request of both parties, the C.J.S.D., Latur is directed to dispose of the matrimonial proceedings, referred to above, as expeditiously as possible.

(S.C. GUPTA, J.)