

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

MISC. CIVIL APPLICATION NO.324 OF 2017

Mrs. Sangita Ashok Pimparkar	...	Applicant
V/s.		
Mr. Ashok Dattatray Pimparkar	...	Respondent

Mr.Rajesh A. More for the Applicant.
Mr.Ganesh Bhujbal for the Respondent.

**CORAM : NITIN W. SAMBRE, J.
DATE : DECEMBER 08, 2017.**

P.C. :

. At the behest of the applicant the proceedings being Criminal Miscellaneous Application No.1656 of 2017 under the provisions of the Protection of Women from the Domestic Violence Act, 2005, is pending on the file of Judicial Magistrate First Class, Pimpri, Pune.

2. In the aforesaid background and the applicant-wife being custodian of two minor sons is seeking transfer of Hindu Marriage Petition No.127 of 2017 initiated under the provisions of Section 9 of the Hindu Marriage Act, 1955, by the non-applicant-husband

for restitution of conjugal rights and Civil Miscellaneous Application No.90 of 2017 initiated by the non-applicant for the custody of minor children, of which transfer is sought on the ground of hardship and inconvenience.

3. The prayer is opposed by the non-applicant-husband on the ground that applicant is well off, as she is occupying the house purchased by the non-applicant. Apart from above, according to him, the non-applicant is an agriculturist having very small holding and it will be difficult for him to cope up with the expenses for defending the proceedings if transferred to Pimpri, Pune.

4. Considered the rival submissions. It is not disputed that applicant-wife is in custodian of two minor sons.

5. Apart from the above Domestic Violence Act proceedings other applications are pending with the Judicial Magistrate, Pimpri, which have been attended by the non-applicant.

6. That being so, considering the hardship and convenience of the applicant and minor sons, it will be appropriate to allow the application in terms of prayer clauses (a) and (b). It is worth to note that all the three proceedings viz. one initiated by the applicant under the Domestic Violence Act, 2005 and other two initiated by the husband for Restitution of Conjugal Rights under Section 9 and for custody of the children under Section 6 of the Hindu Adoption and Maintenance Act, 1956, be posted on the same day so that it will be convenient for the parties to attend the proceedings.

(NITIN W.SAMBRE, J.)

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