

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

**MISC. CIVIL APPLICATION NO.65 OF 2019
ALONG WITH
MISC. CIVIL APPLICATION NO.87 OF 2019
ALONG WITH
MISC. CIVIL APPLICATION NO.304 OF 2019
(NOT ON BOARD)**

Sachin Thorat	...	Applicant
Versus		
Anju Sachin Thorat	...	Respondent

.....

Ms. Jai A. Vaidya for the Applicant.

Mr. V.R. Baseshankar i/b Mr. M.S. Mendhe for the Respondent.

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CORAM : S.C. GUPTE, J.

DATE : 4 DECEMBER 2019

P. C. :

. These two Misc. Civil Applications, namely, MCA Nos.65 of 2019 and 87 of 2019, seek transfer of two different proceedings arising out of the same matrimonial dispute between the parties. There is a third misc. civil application, namely, MCA No.304 of 2019, which is not on record, but which is also connected; it seeks transfer of a third proceeding between the parties. All three transfers are sought to one particular forum, namely, the Family Court at Thane.

2 It is not in dispute that the parties lived, during the course of their matrimony, at Belapur within the jurisdiction of Thane court. It

is also not in dispute that the Respondent wife has been attending court proceedings at Thane, namely, the divorce petition pending before the court of Civil Judge Senior Division at Thane. The two other proceedings, pending, respectively, at Pulgaon, Wardha, are cases filed by the Respondent wife, namely, misc. application under Section 125 of the Criminal Procedure Code before the Court of Judicial Magistrate First Class Pulgaon and a marriage petition seeking restitution of conjugal rights filed under Section 9 of Hindu Marriage Act before the Court of Civil Judge Senior Division at Wardha. All three proceedings are sought to be transferred to Family Court at Thane.

3 Considering the controversy and the pendency of various proceedings between the same parties at different locations arising out of one and the same matrimonial dispute, it is in the interest of justice to have all proceedings transferred to one court so as to be heard together. The only possible difficulty of the Respondent-wife in such transfer is to undertake the expenses for attending proceedings at Thane. The Respondent lives at Pulgaon in Wardha District and it takes a long journey from Wardha to attend proceedings in Thane involving considerable expenses. Learned Counsel for the Applicant-husband, on taking instructions from her client, is agreeable to pay the Respondent's reasonable expenses of travel.

4 In the premises, all three misc. civil applications are disposed of by ordering the transfers sought therein on a condition that the

Applicant-husband shall pay a sum of Rs.3000/- to the Respondent-wife for every date of hearing that she attends before the Family Court at Thane. Such expenses shall be paid upfront as and when the Respondent visits the Family Court at Thane for the hearings.

(S.C. GUPTE, J.)