

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

MISC. CIVIL APPLICATION NO. 268 OF 2018

Mrs. Jyoti Amol Ubale. ..Applicant.

v/s.

Mr. Amol Maruti Ubale. ..Respondent.

Mr. Siddheshwar B. Kalel, advocate for applicant.

Ms. Manjiri S. Parasnis, advocate for respondent.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : DECEMBER 10, 2019.

P. C. :

1 This is an application seeking transfer of Hindu Marriage Petition No. 1372 of 2016 pending before Civil Judge Senior Division Pune before Civil Judge Senior Division, Osmanabad.

2 It appears that the applicant herein got married to the respondent on 10/4/2016. In the same year i.e. within 4 months i.e. on 25/10/2016, the applicant filed proceedings under the provisions of Protection of Women from Domestic Violence Act before the learned JMFC, Wagdari, Tuljapur. Notices were issued on 25/10/2016. The applicant had also filed petition

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under section 125 of the Code of Criminal Procedure, 1973 in Criminal Misc. Application No. 501 of 2016 before the Court of JMFC at Wagdari, Tuljapur.

3 In November, 2017 the respondent filed Divorce proceedings at Pune. The respondent had filed applications challenging jurisdiction of the Court of Tuljapur in both the proceedings. However, the said applications have been rejected.

4 Learned Counsel for the respondent submits that said orders are challenged before the District Court at Osmanabad. It is submitted by the learned Counsel for respondent that the bailiff report in Hindu Marriage Petition would show that the applicant is not residing at Wagdari, Tuljapur but at Pune with her brother.

5 Learned Counsel for the applicant submits that since the applicant is out of her matrimonial home, she has every opportunity to visit her brother at Pune. However, she is residing with her parents at Wagdari, Tuljapur. That four proceedings are pending within the jurisdiction of Osmanabad district. That the applicant is at the mercy of her parents and her brother. That the respondent is serving in Pune. She has no permanent residence in Pune as such. The interest of justice

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would be served in the event that the Hindu Marriage Petition proceedings pending at Pune are transferred to Osmanabad since the balance of convenience would lie in favour of the applicant.

6 In view of this, Misc. Civil Application is allowed in terms of prayer clause (a).

[SMT. SADHANA S. JADHAV, J.]