

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

**902 MISC.CIVIL APPLICATION NO.143 OF 2016
WITH MCA/23/2017**

SOW. VAISHALI KRUSHNAKANT KADAM
VERSUS
KRUSHNAKANT NARAYAN KADAM

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Advocate for Applicant : Mr. Gundre Suraj V
Advocate for Respondent : Mr. Kadam Gajanan G. Adv.

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**CORAM : ROHIT B. DEO, J.
DATED : 31th JANUARY, 2020.**

PER COURT:-

. Heard.

2. Miscellaneous Civil Application No.143 of 2016 is preferred by the wife Smt. Vaishali, seeking transfer of Hindu Marriage Petition No.48 of 2015 instituted by respondent-husband Shri Krushnakant, from the Court of Civil Judge Senior Division, Latur to the Family Court at Pune.

3. Miscellaneous Civil Application No.23 of 2017 is preferred by Shri Krushnakant, seeking transfer of Hindu Marriage Petition No.1269 of 2016 instituted by Smt. Vaishali, from Family Court Pune to the Court of Civil Judge Senior Division, Latur.

4. It is not disputed that both Smt. Vaishali and Shri Krushnakant are seeking dissolution of marriage. While Shri

Krushnakant instituted Hindu Marriage Petition No.48 of 2015 at Latur, Smt. Vaishali instituted Hindu Marriage Petition No.1269 of 2016 at Pune.

5. Smt. Vaishali has also initiated proceedings under the Protection of Women from Domestic Violence Act, 2005, at Latur, which have been transferred to Pune in view of the order dated 17.07.2018 passed by this Court in Criminal Application No.4215 of 2016.

6. This Court has already taken a view that it would be inconvenient for Smt. Vaishali to attend the proceedings at Latur. It would be act to note the observations of this Court in Criminal Application No.4215 of 2016, which reads thus:

“6. It is admitted that applicant was in temporary service at Latur and now she is relieved. She has produced on record the relieving letter. There is no reason to doubt her statement that now she is residing with her parents at Pune. The daughter is also taking education in Pune. It has not been brought on record that now the applicant is serving anywhere. Therefore, it will be difficult for her to travel on the dates of the proceeding from Pune to Latur. Leniency will have to be shown to her. She can not be asked to come down to Latur only on the ground that respondent No. 1 runs a hospital. As regards the other respondents are concerned, their presence may not be necessary on each and every date at Pune.”

7. Even otherwise, I am satisfied that Smt. Vaishali has made out a case for transferring the proceedings from

Latur to Pune. The husband Shri Krushnakant is already attending the proceedings under the Protection of Women from Domestic Violence Act, which are pending in Pune Court. In this view of the matter, the balance tilts in favour of Smt. Vaishali, so far as comparative hardship is concerned.

8. Miscellaneous Civil Application No.143 of 2016 is allowed. Hindu Marriage Petition No.48 of 2015 is transferred from the Court of Civil Judge Senior Division, Latur to Family Court Pune. The said petition be tagged along with Hindu Marriage Petition No.1269 of 2016, which is pending at Family Court Pune and both the petitions shall be decided by the Family Court Pune, as expeditiously as possible and in any event within 12 months from the receipt of record.

9. In view of the aforesaid direction, nothing survives in Miscellaneous Civil Application No.23 of 2017, which is disposed of.

(ROHIT B. DEO, J.)