

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

964 MISC.CIVIL APPLICATION NO.110 OF 2019

SHITAL SACHIN PARKHE
VERSUS
SACHIN KANTILAL PARKHE

...
Advocate for Applicant : Mr. Sonawane Sunita G
AGP for Respondents: Mr. Y.D. Kale h/f Mr. R.R. Karpe
...

CORAM: ROHIT BABAN DEO, J.

Date: JANUARY 8th , 2020
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PER COURT :-

1 This application is preferred by the wife, seeking transfer of HMP No.111/2018 which is instituted by the respondent – husband seeking dissolution of marriage, in the Court of Civil Judge, Senior Division, Shrigonda to the Court of Civil Judge, Senior Division, Beed.

2 I am satisfied that the applicant wife has made out a case for transfer.

3 The applicant has two young children aged 6 years and four years respectively and are residing at Ghat-Pimpri, Tq. Ashti, District: Beed with her parents, which is at a distance of more than 150 kilometers from Shrigonda.

4 The applicant states that her father is handicapped and that there is no male family member to escort her to Shrigonda to attend the HMP proceeding.

The applicant has already instituted proceedings for restitution of conjugal rights against the respondent-husband which is pending in the Court of Civil Judge, Senior Division at Beed. The applicant has also instituted proceedings under the Protection of Women from Domestic Violence Act, 2005 which is also pending in the Court of Judicial Magistrate, First Class at Ashti, District: Beed.

4 Respondent husband, in any event, has to attend the petition, seeking restitution of conjugal rights at Beed. It would be in the interest of both the applicant wife and the respondent husband, if both the petitions i.e. the petition seeking restitution of conjugal rights filed by the wife and the petition for dissolution of marriage filed by the respondent husband are heard together by the same Court. I, therefore, pass the following order:-

(a) This application is allowed in terms of prayer clause 'B' which reads thus:-

"B) Be pleased to transfer Marriage petition No.111/2018 pending before the Civil Judge, Senior Division at Shrigonda to the Civil Judge, Senior Division, Beed."

(b) The parties or either of them shall move an application

before the appropriate Court for transferring both the petitions to the same Court. It would be in the fitness of things, if the petition for restitution of conjugal rights and the petition for divorce are heard together and needless to say on the same dates.

(c) The transferee Court is requested to decide the petitions expeditiously.

(ROHIT BABAN DEO, J)

vbd