

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
955 MISC.CIVIL APPLICATION NO.85 OF 2019**

**ROHINI PRAVIN MORE
VERSUS
PRAVIN TUKARAM MORE**

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**Advocate for Applicant : Nawathe Vikas R.
Adv.Bhapkar S.B and Patil Shikant Krishnarao for Respondent**

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**CORAM: MANGESH S PATIL,J.
DATE : 01.09.2021**

P.C.:

Heard both the sides finally.

2] This is an application under Section 24 of the Code of Civil Procedure by a wife against her husband seeking transfer of Hindu Marriage Petition No.1512/2018 pending in the Court Civil Judge, Senior Division,Pune under Section 9 of the Hindu Marriage Act, from Pune to Latur.

2] The learned advocate for the applicant submits that apart from the proceedings sought to be transferred, couple of other proceedings have been initiated by her, a criminal case for the offence punishable under Section 498-A, 323, 504, 506 read with Section 34 of I.P.C. and a proceeding under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (D.V.Act for short) which are pending in the Courts at Latur. There are serious allegations about the behaviour of the respondent towards the applicant specifically averred in the

application. Even some relations of the respondent have threatened the applicant and her family members by coming down to Latur. He would therefore, submit that it would be for the convenience of both the sides to attend all the 3 matters at one place. Making applicant to commute between Latur and Pune which is more than 300 Kms apart would put her to unnecessary harassment.

3] The learned advocate for the respondent submits that in fact the proceeding initiated by respondent under Section 9 of the Hindu Marriage Act was first in point of time. It is only subsequently that just to harass him the applicant has filed the proceedings at Latur. Mere convenience of the parties could not be a ground. There are no sufficient and cogent reasons to transfer the proceedings from Pune to Latur.

4] I have carefully considered the rival submissions. There is no dispute about the fact that the applicant is now residing at Latur since the couple has got separated. There is also no dispute about the fact that though later in point of time, after the restitution proceeding was initiated by the respondent, the petitioner has filed cases under Section 498-A etc. of the I.P.C. and Section 12 of the D.V.Act. Both of which are pending in the Courts at Latur.

5] The fact that is specifically averred in the application that the respondent's behaviour towards applicant has been

violent has not been specifically denied. Even the specific episode narrated in paragraph no.12 of the application has not been contraverted in the affidavit in reply. The applicant specifically avers about some relations of the respondent having come down to Latur and threatened her and her family members.

6] Considering all the aforementioned state of affairs, it would be for the convenience of both the sides to allow the matter pending at Pune to be transferred to Latur by taking a necessary precaution to direct the Courts in Latur to conduct all these matters on same day as far as possible.

7] The Application is allowed.

8] Hindu Marriage Petition No.1512/2018 pending on the file of learned Civil Judge, Senior Division, Pune is transferred to Family Court, Latur. The parties shall appear before the Family Court at Latur on **01/10/2021** and there shall be no need for that Court to issue any notice to the parties.

9] All the Courts taking up the matters between the parties at Latur shall see to it that as far as possible the dates in all these matters coincide.

[MANGESH S. PATIL,J.]