

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

946 MISC.CIVIL APPLICATION NO.148 OF 2021

Jayashree Umesh Patil

.. PETITIONER

Versus

Umesh Ramesh Patil

.. RESPONDENT

...

Advocate Mr.Amit S. Savale for the applicant

Advocate Mr.S.M.Patne for the respondent

...

CORAM : MANGESH S. PATIL,J.

DATED : 25/08/2021.

P.C. :

By invoking the provisions of Section 24 of the C.P.C. read with Article 215 of the Constitution of India, the applicant is praying for transfer of a divorce proceeding initiated by the respondent husband from Family Court, Bandra to the Family Court at Dhule.

2] I have heard the learned advocates of both the sides and perused the papers.

3] It is a matter of record that the respondent has filed a divorce proceeding which is pending in the Family Court at Bandra in the year 2020. Simultaneously the applicant has filed a proceeding for restitution of conjugal rights under Section 9 of the Hindu Marriage Act in the Court of Civil Judge, Senior Division, Dhule. She has filed a proceeding under Section 12 of the Protection of Women from Domestic Violence Act, 2005, in the Court of Magistrate at Shindkheda. She has also filed a proceeding under Section 125 of the Cr.P.C. in the Court of Magistrate at Shindkheda.

4] Taking into account the grounds mentioned in the application coupled with the fact that the respondent husband will have to attend the three proceedings initiated by the applicant at Dhule and Shindkheda and she will have to attend the proceeding in Family Court at Bandra, it would be for the convenience of both the sides that as far as possible all such matters are allowed to be conducted at one place to avoid inconvenience to both the sides.

5] It is trite that a wife is considered to be weaker and the Courts should be lenient in her favour. When she has, after separation, started residing at her parental house in Shindkheda, while he is in some employment in Mumbai, albeit a permanent resident of Erandol, Taluka and District Jalgaon, the application deserves to be allowed.

6] The Application is allowed. The Hindu Marriage Petition No.384/2020 pending in the Family Court at Bandra is transferred to the Court of Civil Judge, Senior Division, Dhule.

7] The parties shall appear before the Court at Dhule on **24/09/2021** and there shall be no need for the Court to issue any notice to the parties.

8] It is directed that as far as possible, the Courts wherever the matters are pending at Dhule and Shindkheda shall adjust the dates in all these proceedings to obviate any inconvenience being caused to either of the parties.

(MANGESH S. PATIL,J.)

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