

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO.203 OF 2021

Divya w/o Rushikesh Dahiwal,
Age : 25 years, Occu. Household,
R/o Flat No.202, Tukaram Vihar,
Kondave Dhawade, N.D.A. Gate,
Pune, at present
c/o Dinkar s/o Bappaji Bedre,
Near Ram Mandir, Amalner,
Tal. Patoda, District Beed

APPLICANT

VERSUS

Rushikesh s/o Sudhir Dahiwal,
Age : 30 years, Occu. Private Service,
R/o Flat No.202, Tukaram Vihar,
Kondave Dhawade, N.D.A. Gate,
Pune, District Pune

RESPONDENT

Mr. Sushant B. Choudhari, Advocate for the applicant
Smt. R.S. Tiwari, Advocate holding for Mr. Mr. J.S. Aute,
Advocate for the respondent

CORAM : MANGESH S. PATIL, J.

DATE : 20.10.2021

PER COURT :

This is an application under Section 24 of the Code of Civil Procedure by a wife seeking transfer of a divorce proceeding instituted by the respondent-husband in the court at Parbhani, from Parbhani to Beed where she has already instituted a proceeding under Section 9 of the Hindu Marriage Act.

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

3. Irrespective of the dispute as to whether the respondent has been residing in Pune or Parbhani and whether he has instituted the divorce proceeding at Parbhani with some ulterior motive, the fact remains that the divorce proceeding is pending at Parbhani whereas the proceeding for restitution of conjugal rights preferred by the applicant is pending in Beed.

4. It is specific contention of the applicant that it is inconvenient for her to attend the divorce proceeding by commuting between Parbhani and Beed. The relatives of the respondent residing in Parbhani have been exerting threats.

5. The learned Advocate for the respondent submits that the respondent is not aware about pendency of the proceeding for restitution of conjugal rights in a court at Beed. However, she submits that the applicant has filed an FIR for the offences punishable under Section 498-A, etc. of the IPC at Beed and even the respondent had applied for anticipatory bail.

6. Taking overall view of the matter, it is apparent that the applicant being a wife is considered to be a weaker partner. She has been residing in Beed. The applicant will have to attend the proceeding for

restitution of conjugal rights, which is pending at Beed. Besides, even the FIR has been lodged by the applicant at Beed. Therefore, even in that matter, he will have to commute between Parbhani and Beed.

7. Taking into account the convenience of the applicant, simultaneously bearing in mind that the proposed transfer should not result in any harassment to the respondent, the divorce proceeding can be transferred from Parbhani to Beed with a rider that all the courts taking up different matters at Beed between the parties can be directed to list all these matters on the same date.

8. The application is allowed. The Petition No.A-127/2021 pending before the Family Court at Parbhani is transferred to the court of Civil Judge, Senior Division, Beed for disposal in accordance with law.

9. The parties shall appear before the court at Beed on 17.11.2021. There shall be no need for that court to issue any notice to the parties.

10. All the courts taking up different matters between the parties at Beed shall, as far as possible, list the matters before them on the same date.

[MANGESH S. PATIL]
JUDGE