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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 77 OF 2019

Mrs. Yogita Vasant Pardeshi

....Applicant

V/s.

Mr. Vasant Kisanrao Pardeshi

....Respondent

Mr. Dinesh P. Adsule for the Applicant

Mr. Kamlesh Ghumre a/w Ms. Sonali Jadhav for Respondent no. 1

CORAM : NITIN W. SAMBRE, J.

DATE: JULY 6, 2021.

P.C.:

1] Applicant-wife has sought transfer of HMP No. A-458/2018 which is for divorce initiated by non applicant-husband pending on the file of Family Court at Aurangabad to Family Court at Nashik. It is brought to my notice that other proceedings under the provisions of Protection of Women from Domestic Violence Act being 2178/2018 are duly attended by non applicant-husband. It is also specifically pleaded that proceedings under Section 9 of the Hindu Marriage Act being H.M.P. No. 748/2018 are also pending at Family Court at

Nashik. Other proceedings under Section 125 of Code of Criminal Procedure, 1973 being E-Petition No. 444/2018 are also pending so also criminal prosecution for offence punishable under Section 498-A of the Indian Penal Code.

2] While opposing the transfer application, learned counsel for the respondent-husband Mr. Ghumre would urge that the Court needs to be sensitive to the stage at which the proceedings of which transfer is sought are pending. According to him, the stage of the proceedings at Family Court, Aurangabad are for the cross-examination of the applicant-wife. Considering the fact that respondent-non applicant is presently posted at Washim, it will be causing hardship to him to visit Nashik instead of Aurangabad. As such, according to him, application needs to be rejected.

3] In the aforesaid background, so as to avoid multiplicity of proceedings i.e. issue of recording of separate evidence, convenience of the client who is staying at Nashik, prompts this Court to allow this application in terms of prayer clause (b) which reads thus:

(b) That pending the hearing and final disposal of the present Application, the proceeding bearing H.M.P. No. A-458/2018, pending before the Ld. Family Court, Aurangabad, be transferred to Hon'ble Family Court, Nashik.

[NITIN W. SAMBRE, J.]