

Rajesh Vithalrao Gaikwad & Ors.	..	Applicants
Versus		
Kautaka w/o Rajesh Gaikwad	..	Respondent
...		

Mr.C.N.Chavan for the Applicant.
Mr.Vinay Dahat for the Respondent.
...

CORAM: BHARATI DANGRE, J.
DATED : 06th DECEMBER, 2021

P.C:-

1. Heard the learned counsel for the applicants and the respondent.
2. The applicant No.1/the husband alongwith his mother and sister, have invoked the jurisdiction of this Court, seeking transfer of the DV proceedings filed by the respondent/wife at Pune to the Family Court at Nagpur. The applicant No.1/husband has already instituted a divorce petition vide HMP No.A-563 of 2020 before the Family Court at Nagpur and the DV proceedings are sought to be transferred to Nagpur, for being heard alongwith the pending Marriage Petition.

3. On hearing the learned counsel for the applicants and on perusal of the application, I see no justifiable ground for exercising the jurisdiction under Section 24 of the Code of the Civil Procedure.

The husband/applicant No.1, who has given his address as Flat No.302, 'B' Wing, Shubham Society, Near Gold Gym, Pimple Saudagar, Pune, alternatively states that he is presently residing in Government Press Colony, Dabha (wadi), Nagpur. When asked about his avocation, it is informed that he is an IT personnel and is engaged in services at Pune, but presently he is permitted to work from home and that is how, he is at Nagpur. The respondent/wife is residing at Pune she is a Medical Practitioner and she is engaged in practice at Pune. On account of her residence at Pune, she has instituted the DV proceedings at Pune, of which the transfer is sought at Nagpur.

4. The convenience of the parties is one ground, which justify invocation of power under Section 24 of the Code. But, here is a party who is serving at Pune, but seeks transfer of the proceedings at Nagpur, on the premise that he is permanent resident thereof. Learned counsel for the applicant does not deny that he is engaged in service at Pune and though the submission is, at present he is permitted to work from home, a judicial note can be taken of the fact that this must be on account of the Covid pandemic and since now the Covid pandemic is ebbing and most of the companies, including IT companies are requesting their employees to return for physical work, on account of resumption of the work activities, sooner or later, the applicant No.1 will have to return to Pune.

5. In such circumstances, the respondent/wife, who is otherwise a Medical Practitioner at Pune, cannot be compelled to get her proceedings transferred to Nagpur.

In the wake of the aforesaid, the miscellaneous civil application being without any merit and substance, is rejected.

(SMT. BHARATI DANGRE, J.)