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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 74 OF 2021

PRASHANT VISHNUPANT MUNDE

....APPLICANT

V/s.

BHAVNA PRASHANT MUNDE

....RESPONDENT

Mr. Rahul S. Kadam for the applicant

Mr. Amol B. Jagtap for respondent

CORAM : NITIN W. SAMBRE, J.

DATE: AUGUST 24, 2021.

P.C.:

1] Applicant husband has invoked provisions of Section 24 of Code of Civil Procedure, 1908 (Hereinafter referred to as 'CPC' for the sake of brevity) seeking transfer of proceedings Hindu Adoption and Maintenance Act proceedings pending on the file of Family Court No. 2 at Pune i.e. (i) P.C. No. C-11/2019, (ii) proceedings under Domestic Violence Act being Cri. Misc. Application No. 659/2019 and (iii) SCC No. 9015/2021 and (iv) RCC No. 2060/2020 pending before 9th Jt. Civil Judge, Junior Division and Judicial Magistrate First Class, Pune

to the Family Court at Aurangabad.

2] The submissions are, wife is residing at Aurangabad alongwith daughters and as such, it is convenient for the wife to attend the proceedings at Aurangabad.

3] This Court is at all not in agreement with such submissions particularly when, in a matrimonial matter, provisions of Section 24 of CPC could be invoked, in case if it is established that wife is suffering from hardship.

4] In the case in hand, applicant and respondent have resided together at Pune and accordingly wife has initiated proceedings at Pune.

5] Even if a Suit for partition is initiated at Ambejogai, however, considering the provisions of Section 17 of CPC, the act of the respondent-wife in initiating the said suit at Ambejogai appears to be

justified as part of the property is situated within local jurisdiction of the Civil Court at Ambejogai.

6] In that view of the matter, no case for invoking provisions of Section 24 of CPC is made out. Application fails, stands rejected.

[NITIN W. SAMBRE, J.]