

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

MISC.CIVIL APPLICATION NO.13 OF 2022

**VAISHALI VIKAS JAGTAP
VERSUS
VIKAS JANARDHAN JAGTAP**

. . .
Advocate for Applicant : Mr. Avinash M. Reddy
Advocate for Respondent Sole : Mr. Amol T. Jagtap
. . .

CORAM : MANGESH S. PATIL, J.

DATED : 13 JULY 2022

PER COURT :

. This is a proceeding under section 24 of the Code of Civil Procedure, whereby the applicant – wife is seeking to transfer of restitution proceeding initiated by the respondent – husband pending in a court at Latur to a court at Dhule.

2. I have heard the learned advocates of both the sides and perused the papers. I have also gone through the affidavit-in-reply.

3. There is no dispute about the fact that the applicant's parental home is at Dhule. She has already initiated a proceeding under the provisions of Protection of Women from Domestic Violence Act, 2005 and which is

pending in the court at Dhule. The respondent has been staying in Mumbai, albeit, for whatever reasons he has instituted the restitution proceeding in a court at Latur. Even if the present matter for restitution is not transferred, he will have to commute between Mumbai and Latur as he is staying in Mumbai. He will also have to commute between Mumbai and Dhule in connection with the proceeding under the Domestic Violence Act. Besides, even she has filed the F.I.R. under section 498 etc. of the Indian Penal Code in a police station Devpur, Dist. Dhule.

4. Though it is submitted by the learned advocate for respondent that the applicant has been staying in Mumbai and doing some job, there is no concrete material to substantiate it.

5. Besides, since couple of proceedings are going on between the couple at Dhule and even the respondent is staying in Mumbai, it would be appropriate and convenient for both of them to bring the matters together at one place, by taking necessary precaution to avoid any additional hardship to the respondent.

6. The application is allowed.

7. The proceeding bearing Hindu Marriage Petition No.A/412 of 2021, pending in the Family Court at Latur is transferred to the Civil Judge Senior Division at Dhule.

8. All the courts taking up different matters between the parties at Dhule shall, as far as possible, list all these matters on the same date.

9. Parties shall appear before the Civil Judge Senior Division at Dhule on 22.07.2022.

(MANGESH S. PATIL, J.)

Tandale/-