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

928 MISC. CIVIL APPLICATION NO.93 OF 2021

JAYSHRI SUDARSHAN KALE
VERSUS
SUDARSHAN SITARAM KALE

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Mr S. S. Londhe, Advocate for applicant;
Ms S. P. Kakade, Advocate h/f Mr P. B. Kakade, Advocate for
respondent

CORAM : SMT. BHARATI DANGRE, J.

DATE : 5th January, 2022

PER COURT:

1. Heard the learned Counsel for the applicant and the learned Counsel for the respondent/husband.

The applicant/wife has filed the present application invoking Section 24 of the Code of Civil Procedure, seeking transfer of the Hindue Marriage Petition No.340/2020, filed by the respondent/husband in the Family Court at Aurangabad, seeking dissolution of marriage, to the Court of learned Civil Judge Senior Division, Hingoli. The applicant/wife herself has instituted the proceedings under the Protection of Women from Domestic Violence Act in the year 2017 before the learned J.M.F.C., Shengaoon and she has also filed the Hindu Marriage Petition

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No.02/2021 under Section 9 of the Hindu Marriage Act, seeking restitution of conjugal rights in the Court of learned Civil Judge Senior Division, Hingoli.

2. The marriage between the applicant and the husband came to be solemnized on 30/05/2015 and in the year 2017 the applicant lodged a complaint against the husband and his family members in the Police Station at Shengaon, thereby invoking Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

3. The applicant/wife is seeking transfer of the proceedings filed by the respondent/husband to the Court of Civil Judge Senior Division, Hingoli, where her Hindu Marriage Petition is pending. The ground for transfer of the proceedings is the inconvenience likely to be caused on account of she being required to travel from Shengaon to Aurangabad for attending the said proceedings, the distance being approximately 200 kms.

The application is opposed by the respondent by filing affidavit-in-reply, wherein it is stated that the applicant is a Doctor by profession and she is working as C.H.O. in Parbhani and in any contingency, she is used to undertake the travel, since she

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travel from Shengaon to Parbhani every day for attending her job responsibilities.

In contrast to the aforesaid pleadings, the learned Counsel for the applicant state that at present, the applicant is posted at Primary Health Center, Daithana in Parbhani District.

4. The respondent/husband is also a Doctor, but it is argued on his behalf that presently he is not engaged in any job and is without any source of income.

5. The proceedings filed by the husband are at the stage of conciliation before the Family Court at Aurangabad. Since the Family Court is a Court dealing with only family matters, it can expeditiously proceed with the said Hindu Marriage Petition, and since now the video conferencing facility is made available in the Family Court at Aurangabad, it is not necessary for the applicant to undertake the journey at every date for hearing of Hindu Marriage Petition pending at Family Court, Aurangabad.

6. As far as the cross-examination and the evidence of the applicant/wife, if at all to be recorded, the facility of video conferencing, can be availed by the Family Court and the

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presence of wife can be exempted even during the such stage of the proceedings. Thus, barring a few dates, when she would be required to personally present in the Family Court at Aurangabad to defend Hindu Marriage Petition No.340/2020 filed by the husband, she need not undertake travel to Aurangabad on each date of hearing. Since I am of the considered opinion that the Family Court at Aurangabad is better equipped to deal with the marriage petition, merely because it inconvenient for the wife to undertake the journey, which has also been taken care of by the request being made to the Family Court to avail the facility of video conferencing, the application do not deserve any consideration and is liable to be dismissed.

7. Taking into consideration the pendency of the Hindu Marriage Petition No.340/2020 for a period of two years, the Family Court at Aurangabad is requested to dispose of the said proceedings within a period of one year, ending on 31/12/2022. Needless to state that the parties shall render all their co-operation to the learned Judge in disposing of the petition.

(SMT. BHARATI DANGRE, J.)

sjk