

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

MISC.CIVIL APPLICATION NO. 35 OF 2019

**PRIYANKA AVINASH JOSHI AND OTHERS
VERSUS
AVINASH SUNIL JOSHI**

. . .
Advocate for Applicants : Mr. Sushant B. Choudhari
Advocate for Respondent : Mr. Pradeep N. Sonpethkar
. . .

CORAM : MANGESH S. PATIL, J.

DATED : 21 JULY 2022

PER COURT :

This is an application under section 24 of the Code of Civil Procedure for transfer of a divorce proceeding instituted by the respondent - husband against the applicant no.1 - wife from Nevasa to Aurangabad.

2. I have heard the learned advocates of both the sides.
3. No reply has been filed. The averments in the application go without challenge.
4. There cannot be any dispute about the fact that the applicant no.1 has come back to her parental home since the couple got separated. The record shows that a criminal case instituted by her for the offence punishable under section 498A etc. of the Indian Penal Code is pending at Aurangabad.

Being a lady instead of making her commute between Aurangabad and Nevasa and allowing the respondent to come down to Aurangabad to defend the criminal case, an arrangement can be made by transferring the divorce proceeding to Aurangabad so that both the matters would remain at the same place, by taking necessary precaution to obviate any hardship to respondent as well.

5. The application is allowed.

6. The proceeding bearing Hindu Marriage Petition No.104 of 2018, pending on the file of the Civil Judge Senior Division, Nevasa is transferred to the Family Court at Aurangabad for decision in accordance with law.

7. All the courts taking up different matters between the parties at Aurangabad shall, as far as possible, list all these matters on the same day.

8. Parties shall appear before the Family Court at Aurangabad on 06.08.2022 and there shall be no need for that court to issue any notice to them.

(MANGESH S. PATIL, J.)