

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

969 MISC.CIVIL APPLICATION NO.85 OF 2020

DEEPALI SHRIRAM BAIRAGI ALIAS DEEPALI MADANDAS BAIRAGI
VERSUS
SHRIRAM HIRADAS BAIRAGI

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Advocate for Applicant : Mr.Rajendra H. Wagh
Advocate for Respondent -sole : Mr. Sachin S. Randive

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 23/09/2022.

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PER COURT. :

Heard rival submissions.

2. The applicant -wife is seeking transfer of proceeding in Marriage Petition No.1538/2019 pending before the Court of Civil Judge (S.D.) Kalyan, District Thane which has been filed by the respondent -husband to the Family Court, Aurangabad.

3. The learned counsel for the applicant -wife submits that in all the three proceedings are filed by the wife against respondent / husband at Aurangabad. One is criminal case under Section 498-A of the Indian Penal Code, second one is proceeding under the provisions of Protection of Women from Domestic Violence Act, 2005 and the last one is for getting maintenance before the Family Court, Aurangabad. He further

submits that if the divorce petition is tried along with the maintenance petition then there will be a proper adjudication.

4. On the contrary, the learned counsel for the respondent -husband submits that the respondent is suffering from disability and it would be highly difficult for him to travel to Aurangabad, if his Hindu Marriage Petition is transferred there.

5. It is significant to note that the respondent -husband had attended the dates of three proceedings lodged at the instance of applicant -wife. Further considering the distance between Aurangabad and Kalyan, it would be convenient for the wife if the Marriage Petition No.1538/2019 is transferred to the Family Court, Aurangabad. Moreover, it will lead proper adjudication of the real controversy between the parties if one and the same Court decides the Marriage Petition as well as Maintenance Application.

6. The learned counsel for the respondent -husband made a request that in case Hindu Marriage Petition filed by the husband is transferred to the Family Court, Aurangabad then he may be permitted to appear in the said proceeding through Video Conference. However, the respondent - husband can make a request to the concerned Family Court,

Aurangabad to that effect. In view of the same, following order is passed :-

ORDER

1. The application is hereby allowed.
2. The HMP No.1538/2019 pending in the Court of learned Civil Judge (S.D.), Kalyan, District Thane is hereby transferred to the Family Court, Aurangabad.
3. The respondent – husband is directed to appear before the Family Court, Aurangabad on 10.10.2022.
4. The Family Court, Aurangabad is directed to dispose of the HMP No. 1538/2019, as early as possible.
5. The application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

shp/-