

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

MISC.CIVIL APPLICATION NO. 70 OF 2021

**KISHORI HANUMAN DHANDE
VERSUS
HANUMAN DIGAMBAR DHANDE**

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Advocate for Applicant : Mr. L. H. Kawale h/f. Mr. A. T. Ghute
Advocate for Respondent : Mr. Rahul R. Karpe

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CORAM : MANGESH S. PATIL, J.

DATED : 01 JULY 2022

PER COURT :

. The applicant - wife is seeking transfer of restitution proceeding initiated by the respondent – husband from the court of Shrigonda to the court at Latur.

2. I have heard learned advocates of both the sides.

3. It is trite that convenience of a wife is the paramount consideration while considering such request for transfer. The applicant being a wife needs to be considered as a weaker between the two.

4. Since after the couple got separated, the applicant has been staying at her parental home in Latur. The distance between Latur and Shrigonda is more than 200 kms. She has already filed a complaint under section 498A etc. of the Indian Penal Code, which matter is pending at Latur. She has also filed a proceeding under section 12 of the Protection of Women

from Domestic Violence Act, 2005, which is also pending at Latur.

5. Even if the present matter is not transferred from Shrigonda to Latur, the respondent will have to attend the two proceedings initiated by the applicant by commuting between Shrigonda and Latur. That cannot be averted since he has not claimed transfer of those proceedings. However, instead of making both the sides to commute between Shrigonda and Latur for defending various proceedings, it would always be convenient for both of them, if the matters are allowed to be conducted at one place with a direction to the courts to take up their matters on the same date as far as possible.

6. The application is allowed.

7. The restitution proceeding bearing Hindu Marriage Petition No.153 of 2019, pending in the court of Civil Judge, Senior Division at Shrigonda is transferred to the Family Court at Latur.

8. The parties shall appear before the Family Court at Latur on 30 July 2022 and there shall be no need for that court to issue any notice to them.

9. All the courts taking up different matters between the parties at Latur including the present one, which is being transferred, to see that all these matters are listed on daily cause list of their respective courts on the same date, as far as possible.

(MANGESH S. PATIL, J.)