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

MISC. CIVIL APPLICATION NO.87 OF 2020

KARISHMA SUDESH PADOL
VERSUS
SUDESH SUBHASH PADOL

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Ms Pornima Salve, Advocate h/f Mr S. J. Salunke, Advocate for applicant;
Mr R. P. Dhase, Advocate for respondent

CORAM : SMT. BHARATI DANGRE, J.

DATE : 28th January, 2022

PER COURT:

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

The applicant/wife has filed this application seeking transfer of the proceedings H.M.P. No.357/2019, filed by the respondent/husband in the Court of learned Civil Judge Senior Division, Beed, seeking annulment of the marriage. The applicant/wife has also filed the proceedings for restitution of conjugal rights under the Protection of Women from Domestic Violence Act at Malkapur. She is seeking transfer of the proceedings to Malkapur, since attending the proceedings at Beed

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would require her to travel 260 kms. one way, which would cause inconvenience to her.

2. Pertinent to note that, the respondent/husband is at present staying at Pune and this fact is admitted by the learned Counsel for the respondent, who states that he had instituted the proceedings for annulment of the marriage at Beed because at the relevant time, he was residing in Beed. Now, he is residing in Pune and therefore, in any case, for attending the proceedings at Beed, he will have to undertake the journey from Pune to Beed.

3. In the aforesaid circumstances, it is appropriate that instead of attending the proceedings at Beed, the respondent will attend the proceedings on its transfer at Malkapur, where the proceedings filed by the applicant/wife are already pending.

4. The attempt shall be made by clubbing the proceedings to one Court, being the Court of learned Civil Judge Senior Division, Malkapur, who can decide all the proceedings together, which would save time as well as save duplication/inconsistency of the orders. This would serve the interest of the applicant as well as of the respondent.

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By the proceedings are transferred to learned Civil Judge Senior Division, Malkapur, the learned Judge is requested to exempt appearance of the respondent on every date of hearing, except when his presence is necessary for recording of evidence or for cross-examination. This will minimize the inconvenience to the respondent, who is working in Pune.

5. The applicant/wife shall also undertake to keep away herself from indulging in any act, which would result in lodging complaints by the husband, as has been done in the past when N.C.s were registered.

6. In the wake of the above, the Misc. Civil Application is allowed in terms of prayer clause (C). H.M.P. No. 357/2019, pending in the Court of learned Civil Judge Senior Division, Beed, shall be forthwith transferred to the Court of learned Civil Judge Senior Division, Malkapur, Dist. Buldhana.

(SMT. BHARATI DANGRE, J.)

sjk