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

MISC.CIVIL APPLICATION NO.179 OF 2021

**DARSHANA GANESH MISAL  
VERSUS  
GANESH POPAT MISAL**

...

Mr G. G. Suryawanshi, Advocate for applicant;  
Mr S. A. Panchal, Advocate for respondent

**CORAM : SMT. BHARATI DANGRE, J.**

**DATE : 21st January, 2022**

**PER COURT:**

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

The marriage between the applicant and the respondent came to be solemnized in June 2019 and barely could she cohabit in her matrimonial house, she was driven out therefrom, and since then, she is residing at Nanded in her parental house.

2. The respondent husband filed Petition No.A-809/2020 before the learned Family Court at Pune for grant of divorce, whereas the applicant wife has filed proceedings under the Protection of Women from Domestic Violence Act, 2005 (The D.V. Act) vide P.W.D.V.A. No.90/2020, which are pending before

(2)

the learned Judicial Magistrate at Nanded, in which she claims maintenance and protection orders.

The applicant is seeking transfer of proceedings filed by the husband in Family Court, Pune, to the Family Court at Nanded and the learned Counsel for the applicant also make a oral prayer to transfer the P.W.D.V.A. proceedings pending before the learned Magistrate at Nanded to the Family Court Nanded, so that the proceedings can be culminated hand in hand.

3. The ground on which transfer of proceeding is sought, is the tremendous inconvenience to the applicant wife to undertake the journey from Nanded to Pune, which is approximately 600 kms one way. In absence of any family support or financial means to undertake the said travel, the application is filed seeking transfer of the proceedings filed by the husband.

The learned Counsel for the respondent husband state that the respondent is engaged in private service and he is already required to undertake the journey to attend the proceedings filed by the wife under the D. V. Act and on this ground, he oppose this application, since travel to attend both the cases would mean

(3)

seeking leave from his employment and loss of his earnings on two occasions.

4. On considering the respective difficulties expressed by the parties, interest of justice would be better served to them, if the D.V. Act proceedings filed by the wife before the learned Magistrate at Nanded are also transferred to the Family Court at Nanded and the petition filed by the husband seeking divorce at Pune, be also made over to the Family Court at Nanded, with a direction to expeditiously conclude the said proceedings. This is only way, which I see would serve the interest of both the parties. Since in any case, the husband is already attending the D.V. Act proceedings at Nanded,

In the wake of above, Misc. Civil Application is allowed by transferring the petition No.A-809/2020, pending before the Family Court at Pune to the Family Court at Nanded. Similarly, the P.W.D.V.A. No.90/2020, pending before the learned J.M.F.C., Nanded is also transferred to the Family Court at Nanded.

The Chief Judge of the Family Court, Nanded is requested to assign both the matters preferably to the same Court, so that contradictory orders can be avoided and the proceedings can be

(4)

expeditiously disposed of, by permitting leading of common evidence wherever it is possible. A direction is also issued to the learned Judge of the Family Court to exempt the appearance of the respondent on the dates of hearing, where his presence is not extremely necessary viz. only for examination or cross-examination and if it can be arranged by video conferencing, the every attempt shall be made to do so.

5. The Family Court, Pune shall forthwith transmit the Record and Proceedings in Petition No. A-809/2020 to the Family Court at Nanded.

Similarly, the learned J.M.F.C., Nanded shall transfer the proceedings in P.W.D.V.A. No.90/2020, pending on it's file, to the Family Court at Nanded.

Every Endeavour shall be made by the Family Court, Nanded to dispose of the proceedings within one year from the receipt of the record.

**(SMT. BHARATI DANGRE, J.)**