

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

58 MISC.CIVIL APPLICATION NO.128 OF 2022

**POONAM SITARAM MANGHANI
VERSUS
SITARAM ALLIES JITENDRA PITAMBAR MANGHANI**

Advocate for Applicant : Mr.Patil Atmaram J.
Advocate for Respondent : Mr.Jitendra Patil

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 19.09.2022

PER COURT :

Heard rival submissions.

2. The applicant - wife has filed this application for transfer for Hindu Marriage Petition No.119/2022 from the Court of learned Civil Judge (Senior Division), Chandrapur to the learned Family Court, Jalgaon for its hearing along with the Petition-A No.23/2022 filed by her for getting divorce under Section 13(1)(ia) of Hindu Marriage Act. The HMP No. 119/2022 is filed by the respondent – husband for restitution of conjugal rights against the applicant -wife. Besides this, there is also a proceeding under Protection of Women from Domestic Violence Act, 2005 (in short the D.V. Act) bearing PWDVA No.27/2022 filed by the applicant – wife is going on before the learned Judicial Magistrate First Class-1, Jalgaon.

3. The learned counsel for the applicant -wife submits that the applicant has filed divorce petition in Family Court, Jalgaon on the ground that respondent -husband is impotent. Moreover, it will be inconvenient for her to travel distance of almost 700 to 800 kms. to attend the dates at Chandrapur.

4. On the contrary, the learned counsel for the respondent - husband submits that it would be very difficult for the old aged parents of respondent to come to Jalgaon for attending the proceeding of D. V. Act. However, there is no need for the parents of respondent to attend each and every date of the D.V. Proceeding and they can attend the dates only after the hearing in the said proceeding starts.

5. Considering the grounds raised by the applicant -wife in the divorce proceeding and also considering her financial condition, it would be proper to transfer the HMP No.119/2022 filed by the respondent -husband from the Court of learned Civil Judge (Senior Division), Chandrapur to the learned Family Court, Jalgaon have to be heard along with Petition-A No. 23/2022 for proper adjudication. In view of the same, following order is passed :-

ORDER

- (i) The application is hereby allowed in terms of prayer clause 'A' and the HMP No.119/2022 pending in the Court of learned Civil Judge (Senior Division), Chandrapur filed by the respondent – husband is hereby transferred to the Family Court, Jalgaon for its simultaneous hearing along with Petition-A No. 23/2022 pending therein.
- (ii) The parties to bear their own costs.
- (iii) The application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

.....

shp/-