

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.97 OF 2019

NAYANA PRASHANT DONGARE
VERSUS
PRASHANT RAMDAS DONGARE

Mr.S.A.Wakure, Advocate for the applicant.
Mr.R.D.Thorat, Advocate for the respondent.

(CORAM : BHARATI H. DANGRE, J.)

DATE : FEBRUARY 2, 2022

PER COURT :

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

The applicant wife is seeking transfer of Marriage Petition No.A-2046/2018 instituted by the respondent/husband before the Family Court at Bandra to the Court of learned Civil Judge, S.D. Osmanabad. The marriage between the parties was solemnized in the year 2016 and since the marriage went through a rough phase, the applicant/wife instituted proceeding u/s 498-A of the IPC against the respondents and his family members in Police Station Kalamb. She also filed proceedings before the Chief Judicial Magistrate at Osmanabad in form

of P.W.D.V. Petition No.97/2018. The respondent/husband has instituted the proceedings for dissolution of marriage before the Family Court at Bandra of which the transfer is sought for.

2. The difficulty expressed by the applicant in attending the proceedings in the Family Court at Bandra is to the effect that she has to travel a distance of 500 kms from one way and she is not used to the hustle and bustle of the city and as a result in absence of any person accompanying her, it would be difficult for her to travel to Mumbai and since there is no family member who would accompany her, she seek transfer of the proceedings.

I find the difficulty expressed by the applicant worth consideration.

The respondent/husband is from Osmanabad. For service purposes, he has shifted to Mumbai and has instituted the proceedings in Mumbai. It would be convenient for him to travel to Osmanabad and attend the proceedings, since he belongs to Osmanabad and his family is residing there. As far as the difficulty expressed by the learned counsel for the respondent to the effect that the respondent is in Government service and therefore he will not be in a position to avail

leave, direction is issued to the learned Civil Judge, Sr.Division, Osmanabad to whom the proceedings of divorce are transferred to ensure that the respondent/husband is not made to personally attend the proceedings on every date of hearing except when his presence is very much necessary for the purpose of his examination / cross examination and on all other dates, his personal appearance may be exempted.

In the wake of the aforesaid arrangement, I feel that interest of both the parties can be better served. Further the proceedings instituted by the respondent/husband are pending since the year 2018, the learned Civil Judge, Sr.Division, Osmanabad to whom the proceedings are transferred is also requested to culminate the said proceedings on or before 31/12/2022. Needless to state that the parties shall render their co-operation to the learned Trial Court.

3. In the wake of transfer of the proceedings filed by the husband to the Court of learned Civil Judge, S.D. Osmanabad and the fact that the applicant/wife has also instituted proceedings for Domestic Violence in the Court of the learned Chief Judicial Magistrate at Osmanabad, the parties are at liberty to seek the same date before the said Courts and if

a request is made for a particular date, the learned Judge dealing with the said proceedings, shall accommodate the parties and preferably grant the same date.

4. With the aforesaid reasons, the Misc.Civil Application is allowed in terms of prayer clause "B". The learned 7th Family Court at Bandra shall forthwith transfer the proceeding in Marriage Petition No.A-2046/2018 to the Court of learned Civil Judge, Sr.Division, Osmanabad.

(BHARATI H. DANGRE, J.)