

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

MISC.CIVIL APPLICATION NO.231 OF 2021

SUVARTA NITIN GHORPADE ALIAS SUVARTA FRANSIS ROHOM
VERSUS
NITIN PAWLAS GHORPADE

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Advocate for the Applicant : Shri A.A. Phad h/f Shri Rajesh Darvesh

Advocate for the Respondent : Shri Tandale Kakasaheb J.

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CORAM: SMT. BHARATI H. DANGRE, J.

DATE :- 07th January, 2022

Per Court:

1. Heard the learned counsel for the applicant and the respondent. The applicant/ wife is seeking transfer of the divorce petition in the form of SMP No.3/2021 filed by the respondent/ husband in the Sessions Court at Ahmednagar to the Family Court at Thane, where she has already instituted the proceedings for maintenance and Domestic Violence proceedings in the form of DV Application No.206/2021 before the learned JMFC, Thane.

2. Jurisdiction of this Court is invoked seeking transfer of the proceedings filed by the husband to the Family Court at Thane on two counts; firstly, being that the applicant is posted as the Police Constable in Wagle Estate Police Station, Thane and she is residing in Thane with two children and the second ground set out in the application is that she has

look after young children one being 5 years old and another being one year and six months old. While discharging her duty as a constable, she has to cater needs of two children and undertaking the journey from Thane to Ahmednagar would face difficulties on two counts, firstly, she has to obtain leave which is difficult procedure and secondly, children will have to be left destitute in her absence or she will have to carry her children on every date to Ahmednagar, which would also cause great inconvenience.

3. In contrast, the respondent/ husband, who has filed the proceedings at Ahmednagar, is in fact serving in the Agricultural University, Rahuri and is presently posted at Sangli. In any case, for attending the proceedings at Ahmednagar, he will have to travel from Sangli.

4. In the wake of the aforesaid, I am inclined to grant the application of the applicant/ wife by transferring the proceedings filed by the husband to the Family Court at Thane. Further, the proceedings pending before the JMFC, Thane filed by the applicant/ wife in the form of DV Application No.206/2021 shall also be transferred to the Family Court at Thane. The learned Judge of the Family Court is expected to cumulatively proceed with the proceedings to avoid any contradictory orders and for the convenience of the parties. Every attempt shall be made by the learned Judge of Family Court to dispose of the proceedings

expeditiously by cooperation of the parties.

5. For the reasons stated above, this application is allowed. Necessarily, the learned District Judge, Ahmednagar is directed to forthwith transmit the record of SMP No.3/2021 to the file of the Family Court at Thane. Similarly, the DV proceedings filed by the wife in the form of DV Application No.206/2021 filed in the Court of the learned JMFC, Thane, shall also be transferred to the Family Court at Thane. The Chief Judge of Family Court at Thane is requested to entrust the said proceedings preferably to the same Judge, who shall decide the said proceedings simultaneously and if necessary, permit common evidence to be adduced.

kps

(SMT. BHARATI H. DANGRE, J.)