

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

955 MISC.CIVIL APPLICATION NO.162 OF 2019

DIPALI GHANSHYAM PATIL AND ANOTHER
VERSUS
GHANSYAM LAKHICHAND PATIL

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Advocate for Applicants : Mr. S. B. Kadu
Advocate for Respondent : Mr. A. D. Gadekar

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 22/09/2022.

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P. C. :

1. Heard rival submissions.
2. The applicant No.1 - wife is seeking transfer of proceeding bearing HMP No.42 of 2018, pending before Civil Judge (Senior Division), Aurangabad to the Court of Civil Judge (Senior Division), Chalisgaon, since she is residing there.
3. The learned counsel for the respondent – husband strongly opposed the application. However, in the alternative he submits that if the court is of opinion that the aforesaid Hindu Marriage Petition needs to be transferred at Chalisgaon, then it be expedited and the applicant No.1 – wife be directed to cooperate for such speedy disposal.
4. Admittedly, two proceedings, one for maintenance and other under provisions of DV Act are pending in concerned courts at Chalisgaon, which are filed by the applicant No.1 – wife. Further, respondent – husband is also attending the dates of those

proceedings at Chalisgaon. Therefore, the only petition which is pending at Aurangabad filed by the husband, can be conveniently transferred to the concerned court at Chalisgaon for proper adjudication of the dispute between the parties. Accordingly, following order is passed.

ORDER

- I) The application is hereby allowed and the HMP No.42 of 2018, pending in the court of Civil Judge (Senior Division), Aurangabad, which has been filed by the respondent – husband is hereby transferred to the Court of Civil Judge (Senior Division), Chalisgaon.
- II) The respondent-husband is directed to appear before the Civil Judge (Senior Division), Chalisgaon on 14/10/2022.
- III) The learned Civil Judge (Senior Division) Chalisgaon is directed to hear the marriage petition of the husband as expeditiously and decide the same as early as possible. The applicant No.1- wife shall cooperate with respondent-husband for such early disposal.
- IV) Miscellaneous civil application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)