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

MISC. CIVIL APPLICATION NO.215 OF 2021

KAVERI JAYANT PATIL
VERSUS
JAYANT RAMRAO PATIL

...

Mr S. S. Londhe, Advocate for applicant

Mr Sachin S. Deshmukh, Advocate for respondent

CORAM : SMT. BHARATI DANGRE, J.

DATE : 22nd February, 2022

PER COURT:

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

By the present application, the applicant wife is seeking transfer of the Hindu Marriage Petition No.21/2020, filed by the respondent husband before the learned Civil Judge Senior Division, Kelapur, Tq. Kelapur, Dist. Yawatmal, seeking dissolution of marriage solemnized between the parties on 28/05/2015. Pertinent to note that the wife has also instituted the proceedings under the Protection of Women from Domestic Violence Act, 2005 (D. V. Act), which are numbered as PWDV No.2/2020 before the learned Judicial Magistrate First Class,

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Kalamnuri, Dist. Hingoli. The wife has also filed the complaint in the police station at Kalamnuri invoking Section 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code, in which the charge-sheet is filed and is registered as R.C.C. No.25/2020, which is pending for trial before the learned J.M.F.C., Kalamnuri. The wife has also filed the petition for restitution of conjugal rights in the Court of learned Civil Judge Senior Division, Hingoli, which is numbered as H.M.P. No.167/2021 and the wife is seeking transfer of the proceedings filed by the respondent husband to the learned Civil Judge Senior Division at Hingoli, by pleading inconvenience caused to her in undertaking the journey to Kelapur, which is approximately 250 kms one way and with a child about five years, it would cause her great inconvenience. Apart from this, financial difficulty is also posed by the applicant in undertaking travel, since she has no source of income so as to attend the proceedings on each date of hearing.

2. I am convinced with the reasons on which the transfer is sought by the applicant wife and on the ground of the inconvenience, the proceedings can be transferred to the place where the wife is residing. The husband can undertake the journey since he is otherwise attending the proceedings filed for

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the restitution of conjugal rights filed by the applicant wife as well as the proceedings under the D. V. Act.

3. In the wake of the above, the Misc. Civil Application is allowed in terms of prayer clause (B), which reads thus :

“B. The proceeding of Hindu Marriage Petition No.21/2020 (Jayant Vs. Kaveri) filed by Non-applicant-husband under Section 13 of Hindu Marriage Act, 1955 for divorce against the Applicant-wife may kindly be transferred from the Court of learned Civil Judge Senior Division, Kelapur, Tal. Kelapur, District Yawatmal to the court of learned Civil Judge, Senior Division, Hingoli, Tal. and District Hingoli.”

4. The learned Civil Judge Senior Division, Kelapur shall take steps to transmit the proceedings of Marriage Petition No.21/2020 to the learned Civil Judge Senior Division, Hingoli, forthwith.

(SMT. BHARATI DANGRE, J.)

sjk