

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

920 MISC.CIVIL APPLICATION NO.260 OF 2021

NIKITA SURAJ HADGE
VERSUS
SURAJ GOPAL HADGE

...
Advocate for Applicant : Mr. Dixit Satyajeet S.
Advocate for Respondent : Mr. Rajendra L. Kute

...

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 21.10.2022

PER COURT :

The learned counsel for the respondent tendered across the bar affidavit in reply and it is taken on record. The copy be given to other side.

2. Heard rival submissions. The applicant -wife is seeking transfer of Petition A No.478/2021 and Petition A No.1872 of 2021 both filed by respondent -husband for restitution of conjugal rights and for getting divorce respectively.

3. The learned counsel for the applicant -wife submits that the applicant is residing with her parents and she is not having any independent source of income for maintaining herself and her 3 years

son. Further, the applicant -wife has filed complaint under section 498-A of Indian Penal Code against the respondent and his family members at Sangamner and an F.I.R. has also been registered to that effect. Besides the wife has also filed proceedings bearing Criminal Misc. Application No. 640/2021 under Section 125 of the Code of Criminal Procedure before the learned Magistrate at Sangamner and also Criminal Misc. Application No. 641/2021 under the provisions of Protection of Women from Domestic Violence Act. The respondent has also appeared in the aforesaid proceedings.

4. On the contrary, the learned counsel for the respondent - husband strongly opposed the submission by relying on the reply affidavit of respondent. He submits that the Petition A No. 478/2021 is at evidence stage and brother of applicant -wife is having sound financial position, who can accompany her to attend the dates at Pune. The learned counsel for the respondent -husband also pointed out that the respondent -husband has to look after his old aged parents.

5. It is significant to note that the respondent -husband has not provided to the applicant and her son any sort of maintenance. Moreover, she is residing at the mercy of her parents at Sangamner.

The learned counsel for the respondent -husband tried to argue that the applicant -wife had left the company of respondent husband. However, this aspect is to be dealt by the concerned Courts on merit. In this application only convenience of the parties is to be seen.

6. It is important to note that the respondent -husband has already appeared in the proceedings lodged at Sangamner and therefore, considering the convenience of applicant -wife, the proceeding initiated by respondent -husband at Family Court, Pune has been transferred to Sangamner since the respondent -husband has to attend the proceedings at Sangamner anyhow. Hence, following order is passed :

ORDER

- (i) The application is hereby allowed.
- (ii) The Petition A No. 478/2021 as well as Petition A No. 1872/2021 pending in the Family Court Pune, are transferred to the Court of Civil Judge (Senior Division), Sangamner for disposal according to law.
- (iii) The respondent is directed to appear before Civil Judge (S.D.), Sangamner on 28/11/2022.
- (iv) The respondent -husband is at liberty to mention

the concerned Courts at Sangamner for seeking convenient dates for all the pending proceedings.

- (v) The application is disposed of accordingly.

(SANDIPKUMAR C. MORE)
JUDGE

.....

shp/-