

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

959 MISC.CIVIL APPLICATION NO.291 OF 2021

**PALLAVI CHETAN SWAMI
VERSUS
CHETAN CHANDRASHEKHAR SWAMI AND OTHERS**

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Mr. J.R. Patil, Advocate for the applicant.
Mr. Vaibhav Pawar, Advocate for respondent No. 2.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 07.10.2022.

ORDER:-

1. Heard the rival submissions. The applicant - wife is seeking transfer of Hindu Marriage Petition No. 37/2021 filed by her husband respondent No. 1 for getting divorce in the Court of Civil Judge (Senior Division), Majalgaon, District Beed, to the Court of Civil Judge (Senior Division), Ahmedpur, District Laur. The applicant has also sought transfer of RCS No. 57/2021 pending in the Court of Jt. Civil Judge (Junior Division), Dharur, District Beed which is filed by respondent No.2 i.e. father-in law of the applicant for defamation, to the Court of Civil Judge (Junior Division), Ahmedpur, District Latur.

2. The learned Counsel for the applicant submits that after filing the marriage petition, respondent No.1 - husband

left the country and at present he is residing in Germany. Moreover, after the respondent husband left the country, his father i.e. respondent No.2 is looking after the aforesaid proceedings. Not only this, but respondent No.2 has also independently filed the aforesaid suit for defamation at Dharur. He pointed out that the respondent No.2 is already attending the Court at Ahmedpur in two proceedings, one is for custody of child and other is under Domestic Violence Act.

3. On the contrary, learned Counsel for the respondent No.2 strongly opposed the application on the ground that respondent No.2 is an old aged person, and therefore, unable to attend the date at Ahmedpur, if this matter is transferred.

4. However, it is not in dispute that the respondent No.2 is attending the dates of the proceedings filed by the applicant at Ahmedpur. Moreover, though the respondent No.1 is now residing in Germany, he may appear through Video Conferencing in the Court at any place in India. In view of the same, the proceedings at Majalgaon and Dharur can be conveniently transferred to one and the same Court at Ahmedpur i.e. the Court of Civil Judge (SD), Ahmedpur. Hence, following order is passed.

ORDER

- (i) Application is hereby allowed.
- (ii) HMP No. 37/2021 pending in the Court of Civil Judge (Senior Division), Majalgaon, District Beed as well as RCS No. 57/2021 pending in the Court of Jt. Civil Judge (Junior Division), Dharur, District Beed are hereby transferred to the Court of Civil Judge (Senior Division), Ahmedpur for it's disposal according to law.
- (iii) Respondent Nos.1 and 2 are directed to appear before the concerned Court on 9th November 2022. They are at liberty to seek convenient date by considering the dates of two proceedings which are filed by the applicant – wife.
- (iv) The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)