

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

67 MISC.CIVIL APPLICATION NO.312 OF 2021

MAYURI KULDIPAK JADHAV
VERSUS
KULDIPAK ROHIDAS JADHAV

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Advocate for Applicant: Mr. Ravi B Gite

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CORAM: SMT. BHARATI H. DANGRE, J.

DATE: 14th FEBRUARY, 2022

PER COURT:

1. Heard the learned Counsel for the Applicant.
The Respondent though served has not bothered to
put appearance.

2. The applicant/wife is seeking transfer of the
proceedings being Marriage Petition No.332/2020
filed by the Respondent/husband before the Civil
Judge, Senior Division, Aurangabad for restitution
of conjugal rights, to the Family Court at Nashik,
where, the applicant herself has filed the
Petition A-109/2021 for dissolution of marriage.
She has also filed the proceedings under the
Protection of Women from Domestic Violence Act,
2005, being PWDA No.170/2021 before the learned
Magistrate at Nashik.

3. On perusal of the Application, the inconvenience projected by the Applicant wife can be well appreciated since she have a child around 2½ years and presently she is residing in Nashik along with his parents, it will pose great inconvenience to her to attend the proceedings filed by the husband at Aurangabad. The difficulty posed is also on account of the journey to be undertaken and the expenses to be borne for inducting the said travel along with small child.

4. Convinced with the reasons justifying exercise of power U/Sec. 24 of the Code of Civil Procedure I deem it fit to grant the Application in terms of prayer clause 'B'. The Marriage Petition No.332/2020 filed by the Respondent husband before the Civil Judge, Senior Division, Aurangabad shall be transferred to the Family Court at Nashik and preferably assigned to the same Judge, who is assigned with the Petition filed by the wife for dissolution of marriage, in order to avoid divergent order being passed and also to minimize the time for adjudication.

5. The learned Civil Judge, Senior Division, Aurangabad shall forthwith transfer the proceedings of Marriage Petition No.332/2020 to the Family Court at Nashik who shall make every endeavour to dispose of the proceedings within a period of one (01) year.

6. Miscellaneous Civil Application stands disposed of.

[SMT. BHARATI H. DANGRE, J.]

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