

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

969 MISC.CIVIL APPLICATION NO.333 OF 2021

MADHURI UMESH BHISE
VERSUS
UMESH NARAYAN BHISE

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Advocate for Applicant : Mr. Pathan Hamzakhan I.
Advocate for Respondent : Mr. Rohit Patwardhan h/f
Mr. Satej S. Jadhav

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**CORAM : SANDIPKUMAR C. MORE, J.
DATED : 22/12/2022.**

P. C. :

1. Heard learned rival submissions.
2. The applicant – wife is seeking transfer of Marriage Petition No.1272 of 2020 filed by respondent - husband for getting divorce from 11th CJSD, Pune to CJSD, Kandhar, District Nanded.
3. According to the applicant-wife, she is residing at village Manaspur, Taluka Kandhar, which is almost 500 kms away from Pune. Moreover, she has also filed proceedings under Section 125 of Cr.P.C. for maintenance against the respondent – husband in the court of JMFC, Kandhar. Besides, she has also filed proceeding under the provisions of PWDV Act in the same court, wherein the respondent is yet to appear. She is having 18 months old daughter to look after. As such, it is highly difficult for her to attend the dates at Pune.
4. On the contrary, the learned counsel for the respondent husband strongly opposed the application. He also pointed out that the father of applicant had continuously given him threats and

therefore, he had to lodge non-cognizable reports in Sawangi Police Station at Pune. However, lodging of such NC has nothing to do with this petition, which is only for transfer, wherein the convenience of parties is to be seen.

4. Admittedly, the respondent will have to attend the courts at Kandhar after receiving the necessary notice / summons. Moreover, considering the distance between Kandhar and Pune of 500 Kms., it would be highly difficult for the applicant wife to attend the dates at Pune specially when she is not having any source of income and daughter of tender age to look after. Further, this court has recently taken a view that if the proceedings on the same set of facts are pending in different courts, then it is advisable to dispose those proceedings by one and the same court. Considering all these aspect, following order is passed.

ORDER

- (i) The application is hereby allowed.
- (ii) The Marriage Petition No.1272 of 2020 pending in the court of 11th Jt. CJSD, Pune is transferred to CJSD, Kandhar for disposal according to law.
- (iii) The respondent is directed to appear before Court of CJSD, Kahdhar on or before 25/01/2023.
- (iv) The application is disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)