

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

MISC.CIVIL APPLICATION NO.277 OF 2019

CHITRA RAJRATAN WAGHMARE
VERSUS
RAJRATAN JITENDRA WAGHMARE

...
Advocate for Applicant : Mr. Abhishek Kulkarni
Advocate for Respondent : Mr. Govind Rangrao Ingole

...
CORAM : MANGESH S. PATIL, J.

DATE : 14.07.2022

PER COURT :

Heard the learned advocates of both the sides.

2. This is a proceeding under Section 24 of the Code of Civil Procedure. The wife is seeking transfer of a restitution proceeding initiated by the respondent and pending in the Family Court, Nanded to the Family Court, Aurangabad.

3. Admittedly, the applicant has been serving as a Talathi and is posted at Wahegaon, Tq. Paithan. The respondent is also admittedly serving in Police Department and serving at Nanded. Even there is no dispute about the fact that the proceeding initiated by the applicant seeking divorce and also under Section 125 of the Code of Criminal Procedure are going on at the Family Court at Aurangabad. Admittedly, he has initiated the proceeding for restitution after divorce proceeding was instituted.

4. Merely because the respondent is now ready to bear the expenses of her commutation between Aurangabad and Nanded, it would

not be appropriate to overlook the request. As it is he will have to defend the couple of proceedings initiated by her at Aurangabad and it would not be appropriate that as a punishment even she should be made to commute between the Aurangabad and Nanded. Rather it would be for the benefit of both of them if all these matters remain at one place with a further rider that in order to avoid possible hardship to the respondent all the matters at Aurangabad are listed on the same day as far as possible.

5. The Application is allowed as prayed for. The Hindu Marriage Petition No.126/2019 is transferred to the Family Court, Aurangabad. The parties shall appear before the Family Court at Aurangabad on 30.07.2022.

6. As far as possible the courts taking up different matters between the parties at Aurangabad shall see to it that the proceedings are listed on the same day.

(MANGESH S. PATIL, J.)

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