

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.89 OF 2022

Mrs. Snehal Rahul Dindure
(After Marriage) Miss Snehal Mallinath Byale ...Applicant

vs.

Shri. Rahul Malikarajun Dindure ...Respondent

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Mr. Prasanna Shahane, a/w. Mr. Abhijit Sonar, i/b. Milind Deshmukh,
for the Applicant.

Mr. Ajit V. Alange, for the Respondent.

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CORAM : S.M. MODAK, J.

DATE : 4 AUGUST 2022

P.C. :

Heard learned Advocate for the Applicant-wife and learned
Advocate for the Respondent-husband.

2. The husband has filed a petition for divorce before the
Family Court at Solapur. Whereas the Applicant-wife has initiated three
proceedings in various courts at Baramati, including an application
under Section 125 of Criminal Procedure Code, proceeding under the
provision of Protection of Women from Domestic Violence Act before
the Court of Magistrate at Baramati, restitution petition before Court at
Baramati. That is why This transfer petition for the Applicant. Learned

Counsel for Respondent now opposes on various grounds. One of the grounds is that in fact the Applicant-wife was residing at Solapur with her father but deliberately she has filed the proceedings in Baramati Court in order to harass the Respondent-husband. By way of reply, it is contended that the Applicant-wife is residing with her brother at Baramati and that is why the proceedings are filed in that Court.

3. Be that as it may, in fact it will also be convenient for the Respondent-husband to attend Baramati Matrimonial Court, if his divorce petition is transferred there because otherwise also he is visiting that place for other proceedings.

4. In view of that, following order is passed:

- (i) Hindu Marriage Petition No.A-369 of 2021 pending before the Family Court at Solapur is transferred to the Court of Joint CJSD at Baramati, Dist Pune.
- (ii) Both the parties are directed to appear before the Court of Joint CJSD Baramati on 9 September 2022 (when the restitution petition is fixed). It is made clear that no fresh notice will be issued to Respondent-husband.
- (iii) It is directed that the restitution petition and the divorce petition be assigned to one and same court and to be tried together.

- (iv) Both the parties can request the concerned courts where other proceedings are pending to give one date so that it will not be much inconvenient to the Respondent-husband to come to Baramati from Solapur.
- (v) The Respondent-husband is at liberty to take a plea that the Applicant-wife has deliberately filed the proceeding in Baramati Court. If it is taken it be decided on merits.
- (vi) The miscellaneous civil application is disposed of.

(S.M. MODAK, J.)