

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

**MISCELLANEOUS CIVIL APPLICATION NO. 88 OF 2021**

Shailesh Ravindra Borude,  
Age : 25 years, Occ. : Teacher,  
R/o. : Dwarkadhish colony, Bhingar,  
Tq. & Dist. Ahmednagar.  
A/p. : B-105, B wing, Oyster Society,  
near Rajyog Mangal Karyalaya, Solapur road,  
Manjari, Pune

**... APPLICANT**

**VERSUS**

Jayashree Shailesh Borude,  
Age : 23 years, Occ. : Nil,  
R/o., C/o. : Mr. Kishor Omkar Rokade,  
Dattachaitanyanagar, Pachora road,  
Jamner, Tq. & Dist. Jalgaon

**... RESPONDENT**

**WITH**

**MISCELLANEOUS CIVIL APPLICATION NO. 104 OF 2020**

Jayashree Shailesh Borude,  
Age : 23 years, Occ. : Nil,  
R/o., C/o. : Mr. Kishor Omkar Rokade,  
Dattachaitanyanagar, Pachora road,  
Jamner, Tq. & Dist. Jalgaon

**... APPLICANT**

**VERSUS**

Shailesh Ravindra Borude,  
Age : 25 years, Occ. : Teacher,  
R/o. : Dwarkadhish colony, Bhingar,  
Tq. & Dist. Ahmednagar.  
A/p. : B-105, B wing, Oyster Society,  
near Rajyog Mangal Karyalaya,  
Solapur road, Manjari, Pune

**... RESPONDENT**

...  
Mr. V.V. Tarde – Advocate for Applicant  
Mr. T.M. Tandale – Advocate for Respondent  
....

**CORAM : SANDIPKUMAR C. MORE, J.**  
**DATE : 20<sup>th</sup> April, 2023**

**JUDGMENT :**

1. The applicant/husband in Miscellaneous Civil Application No. 88 of 2021 is seeking transfer of Hindu Marriage Petition No.161 of 2019 filed by respondent/wife for restitution of conjugal rights from the Court of Civil Judge Senior Division at Jalgaon (*hereafter "C.J.S.D., Jalgaon" for short*) to the Court of Civil Judge Senior Division, Ahmednagar (*hereafter "C.J.S.D., Ahmednagar" for short*). On the contrary, the applicant/wife in Miscellaneous Civil Application No. 104 of 2020 has sought transfer of Hindu Marriage Petition No. 11 of 2020 filed by the respondent/husband for getting divorce from the Court of C.J.S.D., Ahmednagar to the Court of C.J.S.D., Jalgaon. Both these petitions are filed by the husband and wife against each other. To avoid the ambiguity, the parties in these applications are referred as per their matrimonial status i.e. husband and wife.

2. According to the wife, she is not having any independent

source of income and the distance between her residential place i.e. Jamner to Ahmednagar is of 245 Kilometers. Moreover, she has also filed two proceedings in the Court of Judicial Magistrate First Class, Jamner namely Criminal Miscellaneous Application No. 356 of 2017 under the provisions of Protection of Women from Domestic Violence Act, 2005 and Regular Criminal Case No. 55 of 2018 under Sections 498-A, 354, 323, 504, 506 r/w 34 of Indian Penal Code against the husband and his family members. The husband and his family members have already appeared in these proceedings. Besides these proceedings her Hindu Marriage Petition No.161 of 2019 for restitution of conjugal rights also pending in the Court of C.J.S.D., Jalgaon wherein the husband is appearing.

3. On the other hand, the husband is claiming that he is a Teacher by profession and ready to pay the travelling charges, if the wife has to attend the proceedings at Ahmednagar.

4. However, it appears that proceedings filed by the wife are earlier in time than the proceedings filed by the husband. Further, the distance between Jamner and Ahmednagar is also of 245 Kilometers and therefore, without any financial help it would be

difficult for the wife to travel at Ahmednagar. Even, if the husband pays her conveyance charges but it is equally important to note that, the husband is also attending the dates at Jamner and Jalgaon. Moreover, as per the latest view of this Court, if two proceedings are pending in different places and between the same parties and on the same set of facts then it would always be advisable to deal such cases by one and the same Court. Therefore, considering all these aspects and also the convenience of wife, following order is passed :-

**ORDER**

- (a) Miscellaneous Civil Application No.88 of 2021 stands dismissed.
- (b) Miscellaneous Civil Application No.104 of 2020 is hereby allowed.
- (c) Hindu Marriage Petition No.11 of 2020 is hereby transferred to the Court of C.J.S.D., Jalgaon for its simultaneous hearing with Hindu Marriage Petition No.161 of 2019 filed by the wife and already pending therein, according to law.

- (d) The respondent/husband in Miscellaneous Civil Application No. 104 of 2020 is directed to appear before the C.J.S.D., Jalgaon on or before 5<sup>th</sup> June, 2023. He will be at liberty to appear before the Court through his advocate except on the dates wherever his physical presence is necessary. He may also use facilities of video conferencing wherever possible.
- (f) The applications are accordingly disposed of.

**( SANDIPKUMAR C. MORE )**  
**JUDGE**