

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

**980 MISC.CIVIL APPLICATION NO.158 OF 2022**

KOMAL VISHAL BIDKAR  
VERSUS  
VISHAL SURESH BIDKAR

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Mr. P.S. Koshti, Advocate holding for Mr. Gajanan Kharate,  
Advocate for the applicant.

Mr. Ganesh Ambildhage, Advocate for the respondent.

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**CORAM : SANDIPKUMAR C. MORE, J.**

**DATED : 30<sup>th</sup> March 2023.**

**ORDER:-**

1. Heard rival submissions.
2. The applicant – wife is seeking transfer of Marriage Petition No.162/2021 filed by respondent- husband for restitution of conjugal rights, from the Court of learned Civil Judge (Senior Division), Vaijapur, District Aurangabad to the Court of Civil Judge (Senior Division), Basmat, District Hingoli.
3. According to the applicant-wife, she is not having any independent source of income. The distance between Vaijapur and Basmat is around 245 kms. Moreover, she has also filed one proceeding against the respondent husband for restitution of conjugal rights in the Court of Civil Judge (Senior Division), Basmat, wherein the respondent – husband has already appeared.

4. The learned counsel for the respondent- husband strongly opposed the application by filing affidavit in reply of the respondent husband on the ground that the petition filed by respondent at Vaijapur, but it is at the evidence stage. Moreover, he has also paid amount of Rs. 1000/- to the applicant through money order for attending the dates at Vaijapur.

5. However, it is significant to note that both the applicant and respondent have filed their respective proceedings against each other for same relief i.e. restitution of conjugal rights. It seems that though the learned Counsel made allegations that the applicant is doing job in school, but nothing is pleaded about the same in the affidavit in reply. Moreover, the distance between Basmat and Vaijapur is of 245 kms. and in absence of any financial assistance, it would be difficult for the applicant to attend the dates of Vaijapur. Moreover, though the proceeding at Vaijapur is at evidence stage, but the status report clearly indicates that it is for ex parte evidence since the applicant could not attend the same.

6. It is already made clear by this Court in many cases that if the different proceedings are pending at different places based on same set of facts, then it is always advisable that those such proceedings should be decided by one and the

same Court. Moreover, it is also settled that convenience of wife is to be looked into ahead of the convenience of husband.

In view of the same, following order is passed.

**ORDER**

- (i) The application is hereby allowed.
- (ii) Marriage Petition No.162/2021 pending in the court of Civil Judge (Senior Division), Vaijapur, District Aurangabad is transferred to the Court of Civil Judge (Senior Division), Basmat, Dist Hingoli for its simultaneous disposal alongwith the petition filed by the applicant wife therein, according to law.
- (iii) The respondent is directed to appear before Civil Judge (Senior Division), Basmat on or before 15.04.2023 and he will be at liberty to seek convenient dates for both these proceedings. The respondent is also at liberty to appear through his advocate except on the dates where his physical presence is necessary. He may use the facility of Video Conferencing wherever possible.
- (iv) The application is disposed of accordingly.

**(SANDIPKUMAR C. MORE, J.)**