



Corrected Order

Corrections have been made in view of speaking to minutes order dated 21.12.2023

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

MISCELLANEOUS CIVIL APPLICATION NO. 201 OF 2023

Geetanjali Kshitij Satpute @
Geetanjali Udhay Dalal

.. Applicant

Versus

Kshitij Ravindra Satpute

.. Respondent

Shri Sohail Subhedar, Advocate h/f Shri Nilesh S. Ghanekar,
Advocate for the Applicant.

Shri Sanket S. Kulkarni, Advocate for the Respondent.

CORAM : SHAILESH P. BRAHME, J.

DATE : 12TH DECEMBER, 2023.

FINAL ORDER :

. Heard both the sides finally.

2. The applicant is seeking transfer of Petition No. A-230 of 2022 pending before the Family Court, Amravati to the Family Court, Aurangabad.

3. The marriage of the parties was solemnized at Aurangabad. The respondent is resident of Amravati. There was matrimonial discord between them. On 28.07.2022 she was required to file a complaint with Jawahar Nagar Police Station, Aurangabad for the offences punishable U/Sec. 406, 498-A, 323,

377, 504 and 506 of the Indian Penal Code. A charge sheet is also filed in the matter. The respondent has filed Petition No. A-230 of 2022 for dissolution of marriage in the Family Court at Amravati.

4. The applicant has also filed Petition No. 83 of 2023 for dissolution of marriage in the Family Court at Aurangabad. It is contended that the distance between Aurangabad and Amravati is 320 K.M. She is not in a position to travel to Amravati to attend the proceedings. She apprehends danger to her life as well as her parents' life. The respondent and his family members are influential. The respondent has indulged in heinous offence. She would not be in a position to effectively prosecute the matter.

5. The contentions of the applicant are opposed by the respondent by filing affidavit in reply. It is stated that the applicant is residing in Canada and earning handsome salary. All the allegations made in the application and the criminal complaint are false. She is able bodies and smart woman. She has experience of travelling across the globe.

6. It is contended that the applicant has guidance of lawyers in the family. Her father is an obstacle. Her parents are not required to appear in the proceedings. In fact, the respondent suffered trauma because of wild behaviour of the applicant. She has made false allegations in the complaint before the police. The respondent has been released on bail. She failed to appear before the Family Court at Amravati. It is stated that there is no merit

in the application.

7. The learned counsel for the respondent has made following submissions :

(i) The submissions made by the learned counsel for the applicant across the bar castigating the character of the respondent and alleged sexual pervert conduct is without any foundation in the application.

(ii) The applicant is in Canada and there is no reason to transfer the proceedings. She can appear virtually.

(iii) The applicant is globetrotter and her application is after thought. She is misleading this Court to gain sympathy.

(iv) The allegations against the respondent are totally false and made to mislead this Court. The respondent has been released on bail.

(v) The respondent has filed application U/Sec. 10 of the Code of Civil Procedure to stay the proceedings of dissolution of marriage instituted by the applicant. Therefore, there is no point in transferring the proceedings.

(vi) Lastly, he has urged that no discretion can be exercised in favour of the applicant just because she is a lady. She is earning a lot and can easily attend the proceedings at any place. Present

case is an exceptional case and it is liable to be rejected.

8. I have considered the rival submissions of the parties. The reference of the allegations in the police complaint against the respondent and the explanation of the respondent is not relevant to decide the application for transfer U/Sec. 24 of the C. P. C. Neither the plea that an application U/Sec. 10 of the C. P. C. is submitted would impress this Court.

9. The proceedings sought to be transferred are pending at Amravati. The ordinary place of residence of the parents of the applicant is at Aurangabad. The applicant is rendering services in Canada, but she is required to attend the proceedings either physically or virtually in the Courts at Aurangabad and Amravati. Just because she is financially independent woman and rendering service abroad cannot be a ground to reject her application.

10. It is apparent from the record that relations between the parties are strained. They have made serious allegations against each others imputing their personal life and conduct. The applicant will have to travel distance of 320 K.M. from Aurangabad to Amravati or more distance if she travels from Canada to Amravati to attend the proceedings. The apprehension of the applicant is probable that she has fear of life, if she goes to Amravati. I am of the considered view that she is not in a position to prosecute the matter at Amravati effectively.

11. The applicant being wife her convenience must be looked at. She has also initiated proceedings for dissolution of marriage at Aurangabad. A useful reference can be made to the **judgment dated 18th July, 2022 of the Supreme Court in Civil Appeal No. 4894 of 2022 in the matter of N. C. V. Aishwarya Vs. A. S. Sarvana Karthik Sha.** Paragraph No. 10 of the above said judgment is relevant, which is reproduced below :

“10. Further, when two or more proceedings are pending in different Courts between the same parties which raise common question of fact and law, and when the decisions in the cases are interdependent, it is desirable that they should be tried together by the same Judge so as to avoid multiplicity in trial of the same issues and conflict of decisions.”

12. In view of the guidelines issued by the Supreme Court in the above matter as well as the consistent view in the following matters :

- A. Sumita Singh Vs. Kumar Sanjay reported in (2001) 10 SCC 41.
- B. Soma Choudhury Vs. Gourab Choudhary reported in (2004) 13 SCC 462.
- C. Vaishali Shridhar Jagtap Vs. Shridhar Vishwanath Jagtap reported in (2016) 14 SCC 356.
- D. Sangamitra Ramakant Royalwar Vs. Ramakant Gangaram Royalwar reported in 2009 (1) Mh.L.J. 303.
- E. Anita Balkrishna Barge Vs. Balkrishna Sopan Barge reported in 2011 (1) Mh.L.J. 518.

- F. Mahadevi Gopal Mehetre Vs. Gopal Prabhakar Mehetre reported in 2016(4) All M.R. 599.
- G. Judgment and order dated January 11, 2019 in Misc. Civil Application No. 171 of 2018 in the matter of Pooja Rohan Jadhav Vs. Rohan Ramesh Jadhav.
- H. Judgment and order dated 01 July 2022 in Misc. Civil Application No. 46 of 2020 in the matter of Ashwini Kailas Patil Vs. Shivajirao Anandrao Gaekwar.

I am inclined to allow the application.

13. The submission of the learned counsel for the respondent that applicant is globetrotter, she is trying to gain sympathy of the Court and deliberately false accusations are made do not detain this Court from passing order of transfer.

14. In view of the above, I pass following order.

O R D E R

- a. The Misc. Civil Application is allowed.
- b. The Petition No. A-230 of 2022 pending before the Family Court at Amravati shall stand transferred to the Family Court at Aurangabad.
- c. An endeavour be made to decide the proceedings finally as expeditiously as possible.

- d. The concern court shall transmit the papers immediately.
- e. The parties to appear before the Court of Family Court at Aurangabad on 15.01.2024.
- f. All the proceedings pending at a place where the applicant is residing be preferably posted on same date.

[SHAILESH P. BRAHME, J.]

bsb/Dec. 23