

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

997 MISC.CIVIL APPLICATION NO.322 OF 2021

**PRITI DEEPAK MUNOT
VERSUS
DEEPAK NEMICHAND MUNOT**

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Ms. Sangita Desarda, Advocate for the applicant.
Mr. G.D. Jain, Advocate for the respondent.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 20th January 2023.

ORDER:-

1. Heard rival submissions. The applicant-wife is seeking transfer of Petition A/452/2020 filed by respondent – husband for getting divorce, from the Family Court, Pune to the Court of Civil Judge (Senior Division), Vaijapur.

2 The learned Counsel for the respondent strongly opposed the application on the ground that the applicant has also sought divorce from respondent at Vaijapur. It appears that there was dispute between the parties in respect of returning jewelry allegedly retained respondent husband. However, the learned Counsel for the respondent today submitted that there are no gold ornaments with him as claimed by the applicant. He pointed out that the respondent as well as applicant both had already married prior to their

marriage. According to him, the respondent is serving at Pune and therefore, it is difficult for him to attend the dates at Vaijapur. However, it appears that the applicant wife has filed as much as four proceedings against the husband at Vaijapur under various provisions of law. It is not disputed by the learned Counsel for respondent that the respondent has already appeared in those four cases.

3. As per the current view of the Hon'ble Apex Court, the convenience of wife is to be seen ahead of the convenience of husband. Even otherwise also, the respondent husband is attending the dates at Vaijapur and it is always advisable that the cases based on same set of facts are to be dealt by one and the same Court. In view of the same, the following order is passed.

ORDER

- (i) The application is allowed.
- (ii) Petition A/452/2020 is hereby transferred from the Family Court, Pune to the Court of Civil Judge (Senior Division), Vaijapur, District Aurangabad for its simultaneous disposal alongwith the proceeding bearing HMP No.56/2022 filed by the applicant, according to law.

- (iii) The respondent is directed to appear before Court of learned Civil Judge (Senior Division), Vaijapur on the fixed date when HMP No.56/2022 is kept and he will be at liberty to seek convenient dates in all the proceedings pending at Vaijapur from concerned Courts.
- (iv) The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)