



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

MISC. CIVIL APPLICATION NO. 288 OF 2023

Harshada Dhananjay Sonkul

.. Applicant

Versus

Dhananjay Rajendra Sonkul

.. Respondent

Mr. Prafullasing H. Patil, Advocate for the Applicant.

Mr. N. P. Bangar, Advocate for Respondent.

CORAM : ARUN R. PEDNEKER, J.

DATE : 15th FEBRUARY, 2024.

PER COURT :-

. Heard learned counsel for the parties.

2. The present application is filed seeking transfer of the divorce proceedings initiated by the respondent – husband in the Court of Joint Civil Judge Senior Division, Kalyan to the Civil Judge Senior Division, Amalner.

3. Learned counsel for the applicant submits that, the applicant is a housewife and not working. She is residing with her parents at Amalner. She married with the respondent – husband on 27.12.2020. Due to some disputes in the marital life she is presently staying with her parents. There is no issue out of wedlock. The respondent – husband is employed. Learned counsel submits that, the divorce proceedings are initiated by the husband at Kalyan whereas, the

applicant has also instituted proceedings for restitution of conjugal rights at Amalner. The respondent – husband is appearing in the said proceedings. In view of the same, learned advocate further submits that it would be inconvenient for applicant to travel to Kalyan which is 350 Km. away from Amalner and therefore, the applicant seeks transfer of the proceedings filed by the husband at Kalyan.

4. Per contra, learned counsel for the respondent – husband submits that, the respondent is Engineer working in a private company drawing salary of Rs. 19,000/- per month and that he filed and conducted the proceedings at Kalyan. He further submits that travel from Kalyan to Amalner will take three days and that travelling would affect the job of the respondent. He further submits that the applicant has appeared in the divorce proceedings and has filed W.S. and the husband has also filed affidavit of evidence.

5. Having considered rival submissions, since the proceedings for restitution of conjugal rights are already pending at Amalner and the respondent – husband is appearing in the said proceedings at Amalner, so also it would be extremely inconvenient for the wife to travel to Kalyan which admittedly would take three days to up and down, it would be inappropriate to permit the proceedings to continue at Kalyan. The convenience of wife should be taken into consideration.

6. In view of the same, the misc. civil application is allowed in terms of prayer clause (B).

7. It is further directed that, in the event respondent – husband applies to the Court at Amalner to permit him to conduct the proceedings through Video Conferencing (V.C.) at Kalyan, the same be favourably considered by both the Courts. The Court at Kalyan to provide necessary facility to the respondent – husband so as to enable the respondent – husband to conduct the proceedings at Amalner through V.C. wherever possible.

8. The learned counsel for the applicant also submits that, wherever respondent – husband has to appear in person, he would not take unnecessary adjournment. When he has to seek adjournment, he would intimate the same well in advance. He also submits that, as far as possible same dates be given in the proceedings for restitution of conjugal rights, so also in the divorce proceedings.

9. With these above observations, the misc. civil application stands disposed of.

(ARUN R. PEDNEKER, J.)

PS.B.