



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

951 MISC.CIVIL APPLICATION NO. 370 OF 2023

**JYOTI W/O GYANABA BHOSALE
VERSUS
GYANABA S/O JANAKIRAM BHOSALE**

...
Advocate for Applicant : Ms.Pallavi P.Wangikar h/f.
Adv.G.T.Kharate

...
CORAM : ARUN R. PEDNEKER, J.

DATE : 28.02.2024

P.C. :

1] The present application is filed to transfer proceeding i.e. Petition-A No.223/2022 from the Family Court at Latur to the Civil Judge Senior Division, Basmath, District Hingoli.

2] The applicant submits that marriage between the applicant and respondent was solemnized on 13.10.2011 and two children are born out from the said wedlock. The applicant submits that the applicant is presently residing with at Basmath along with two children. She submits that respondent – husband filed Petition No.369 of 2021 under Section 9 of Hindu Marriage Act before the Family Court at Latur. The applicant had filed MCA No.20/2023 before this Court for seeking transfer of Marriage Petition No.369/2021 before Civil Judge Senior

Division, Basmath and the said MCA is allowed by this Court by order dated 04.05.2023. There is another proceedings initiated under Section 125 of Criminal Procedure Code in the Court of Judicial Magistrate First Class at Basmath. In view of the same, the applicant submits that, all the proceedings can be conducted at Basmath, District Hingoli.

3] Though the respondent is served, none has entered appeared appearance.

4] In view of the fact that other two proceedings i.e. Petition No.369/2021 filed under Section 9 of the Hindu Marriage Act and application No.486/2022 filed under Section 125 of Criminal Procedure Code and both proceedings are pending before the Basmath, the present application is allowed in terms of prayer clause-B, which reads as under :

B] The proceeding i.e. Petition-A No.223/2022 pending before Learned Family Court, Latur may kindly be transferred to Learned Civil Judge Senior Division, Basmath Dist.Hingoli.

5] However, it is directed that the applicant – wife will not take unnecessary adjournment in the matter so as to avoid inconvenience to the respondent husband of travel. In the event, the applicant – wife seeks adjournment,

prior intimation would be given to the Advocate for the respondent – husband.

6] Common dates be given in all the proceedings as far as possible so as to avoid inconvenience to the parties.

7] Misc. Civil Application is disposed of accordingly.

[ARUN R. PEDNEKER]
JUDGE

DDC