

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.374 OF 2024

Priyanka Yogesh Tayshete

.. Applicant

Versus

Yogesh Prakash Tayshete

.. Respondent

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- Ms. Leena Patil i./by Mr. Sanskar Marathe, Advocate for Applicant.
- Mr. Sachin Kamble, Advocate for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 29, 2024

P.C.:

1. Heard Ms. Patil, learned Advocate for Applicant and Mr. Kamble, learned Advocate for Respondent.

2. Application seeks transfer of Marriage Petition bearing Petition No.A-94 of 2023 filed by Respondent in the Family Court at Bandra, Mumbai to the Court of Civil Judge Senior Division, Ratnagiri. Applicant is residing in Rajapur alongwith minor especially abled daughter and with old aged parents. She has also filed proceedings under the Protection of Women from Domestic Violence Act, 2005 (for short '**the said Act**') bearing PWDV No.22 of 2018 before Judicial Magistrate First Class, Rajapur.

3. Ms. Patil has drawn my attention to the grounds enumerated in the Application in paragraph No.8. I have perused the the said grounds and on going through the same there can be no doubt that the

hardship of the Applicant is clearly evident. Apart from the proximity of distance of approximately 450 kilometers between the two destinations, the Applicant had clearly made out a case for allowing the Application on the grounds of her hardship.

4. Mr. Kamble in his usual fairness would submit that he has no objection for allowing the Application but he would submit that this Court may consider the stage of the proceedings under the said Act which are at the stage of evidence and pass appropriate directions. That apart, he would submit that considering the proximity of distance, the sufferings would be equal for Respondent also since Respondent is in service in Mumbai and therefore seeks directions from the Court to the learned Court of Civil Judge Senior Division, Ratnagiri to permit the Respondent and his Advocate to appear through Video Conferencing.

5. That request made by Mr. Kamble is quite legitimate. In view of the above, the Application stands allowed in terms of prayer clause (a) which reads thus:-

“a] This Hon'ble Court may be pleased to direct the transfer of the proceedings bearing the Petition No. A-94 of 2023 filed by the Respondent before the Family Court, at Bandra to the Senior Division Court, at Ratnagiri, Dist. Ratnagiri.”

6. The proceedings pending before the Judicial Magistrate First Class, Rajapur bearing No.PWDV No.22 of 2018 filed under the said

Act is also directed to be transferred to the Court of Civil Judge Senior Division, Ratnagiri in the interest of justice of both the parties to be tried together. The Court of Civil Judge Senior Division, Ratnagiri is directed to club both the matters together and accordingly hear both the cases together since they are interdependent on each other with respect to the cause of action and raise common questions of facts and law.

7. At the joint request made by the learned Advocates appearing for both the parties and considering the aforesaid timeline, learned Court of Civil Judge Senior Division, Ratnagiri is directed to dispose of both the aforesaid proceedings as expeditiously as possible and in any event preferably within a period of six months from today. Respondent shall be permitted by the Court in Ratnagiri to appear through Video Conferencing on the scheduled dates of hearing.

8. With the above directions, Miscellaneous Civil Application is allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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