



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

MISC. CIVIL APPLICATION (TR.) NO.11 OF 2024

Sau. Suvarna Rahul Bhokare

(Vs.)

Rahul s/o Shivaji Bhokare

WITH

MISC. CIVIL APPLICATION (TR.) NO.751 OF 2024

Rahul s/o Shivaji Bhokare

(Vs.)

Sau. Suvarna Rahul Bhokare

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. D.M. Surjuse, Advocate for applicant in MCA No.11/2024 and Advocate for respondent in MCA No.751/2024.

Mr. Nikhil Karnawat, Advocate alongwith Ms Bhairavi Waravdekar, Advocate for non-applicant in MCA No.11/2024 and Advocate for applicant in MCA No.751/2024.

CORAM : G.A. SANAP, J.

DATE : 30.08.2024

These two applications can be disposed
of by common order.

2. MCA No.11/2024 is made by the wife for transfer of marriage petition No.139/2023 pending on the file of the learned Civil Judge, Senior Division, Vadagaon Maval, District Pune to the Court of learned Civil Judge, Senior Division, Khamgaon, District Buldhana and MCA No.751/2024 is filed by the husband for transfer of

Hindu Marriage Petition No.309 of 2023 filed by the wife pending on the file of learned Civil Judge Senior Division Khamgaon to the Court of Civil Judge Senior Division, Vadgaon-Maval.

3. The petition filed by the wife is for a decree of restitution of conjugal rights. The petition filed by the husband is for divorce. In their applications for transfer, they have stated the difficulties and the problems faced by them while attending these proceedings.

4. It is the case of the wife that she has been residing at Khamgaon. There is no direct connectivity between Khamgaon and Vadgaon-Maval. According to the wife, her husband is an advocate. He has no responsibility as such. He will not suffer any hardship as well as inconvenience in case the petition filed by him is transferred to the Court at Khamgaon.

5. It is the case of the husband that he is required to take care of his son. There is no

responsible person in his family, to look after the son. The husband has further stated that for the purpose of attending the Court at Khamgaon he would be required to leave his son alone as well as he will not be able to attend his work as a legal practitioner. The husband has stated that he is ready to provide travel expenses to the wife.

6. I have heard learned Advocates for the parties. Perused the record and proceedings. I have given thoughtful consideration to the submissions.

7. The petition filed by the wife is for restitution of conjugal rights, whereas the petition filed by the husband is for divorce. It is seen that the averments made in their petitions are more or less similar. It is, therefore, evident that both matters can be decided by recording common evidence. The parties have made allegations against each other. The wife residing at Khamgaon would be required to attend the Court at Vadgaon-Maval. The distance between Khamgaon and Vadgaon-Maval is near

about 522 km. The wife has placed on record the difficulties she is likely to face, in case, she is required to attend the court at Vadgaon-Maval alone. It is the case of the husband that for the purpose of attending the case at Khamgaon he would be required to leave his son alone as well as he will not be able to attend his work as a legal practitioner.

8. In my view, the rejection of the applications made by the parties would put them to unnecessary harassment. In that event, they would be required to attend the court where proceedings are pending. In my view, this would not be in the interests of both parties. In the fact situation, the Court has to consider the comparative hardship and inconvenience likely to be caused to the parties. In my view, inconvenience to the wife deserves precedence. The husband is advocate. The difficulties placed on record by the husband can be taken care of by allowing him to appear via video conferencing. In the facts and circumstances, I am

of the view that the petition filed against the wife in the Court of Civil Judge, Senior Division, Vadgaon-Maval deserves to be transferred to Civil Judge, Senior Division, Khamgaon.

9. Hence, the following order:-

ORDER

- i) M.C.A. No.11/2024 is allowed.
- ii) MCA No.751/2024 is rejected.
- iii) Hindu Marriage Petition No.139/2023 pending on the file of Civil Judge, Senior Division, Vadgaon Maval, District Pune be transferred to Civil Judge Senior Division, Khamgaon, District-Buldhana.
- iv) Principal District Judge, Pune shall withdraw the proceedings of Hindu Marriage Petition No.139/2023 from Civil Judge, Senior Division, Vadgaon Maval and transfer it to Principal District Judge Buldhana.
- v) Principal District Judge Buldhana shall, in turn assign the HMP No.139/2023 to the Civil Judge, Senior Division, Khamgaon.

vi) Liberty is granted to the husband to make a request to the learned Judge to allow him to appear via video conferencing.

vii) Similarly, his request for keeping both the matters together on the same date is also allowed.

viii) The applications stand disposed of in the aforesaid terms. No order as to costs.

JUDGE