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935-MCA-24-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

935 MISC.CIVIL APPLICATION NO. 24 OF 2025

Akshara Digvijay Kadam @ Akshara Rajkumar Kawade Deshmukh

VERSUS

Digvijay Pradiprao Kadam

...

Mr. Vikram Shivaji Undre, Advocate for Applicant.

None for respondent.

CORAM : KISHORE C. SANT, J.

DATE : 4th NOVEMBER 2025

PC :-

1. In spite of service, none appears for respondent-husband.
2. This application is moved by the applicant-wife seeking transfer of matrimonial proceeding instituted by the husband in the Court of learned 6th Joint Civil Judge, Senior Division, Pune, bearing Marriage Petition No.1346 of 2022, to the Court of learned Judge, Family Court at Dharashiv.
3. It is the case of the applicant-wife that she finds it difficult to attend the Court at Pune, as the distance between two places is around

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250 k.m. She is residing with her old aged parents, and there is no one to accompany her to attend the Court at Pune. One criminal proceedings is pending in the Court at Dharashiv. A complaint has been registered by the applicant-wife in Anand Nagar Police Station, Dharashiv for the offence punishable under Section 85, 115(2), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023, wherein the respondent-husband would be required to attend the Court. She has also filed a proceeding seeking divorce from the husband in the Family Court at Dharashiv. It is her case that the husband is required to attend the proceeding and it would be in the interest of justice to transfer the petition to the Court at Dharashiv.

4. To avoid conflicting decrees, this Court finds that the petition filed by the respondent-husband under Section 9 of the Hindu Marriage Act and petition filed by the wife seeking divorce need to be decided by the same Court. The applicant being a lady, this Court finds that she would find it difficult to travel to Pune.

5. Considering all above aspects, this Court is inclined to allow the application. Hence, the following order:

ORDER

- (i) Misc. Civil Application stands allowed.
- (ii) The proceedings of Marriage Petition No.1346 of 2022 pending before the Court of learned 6th Joint Civil Judge, Senior Division, Pune stands transferred to the Court of learned Judge, Family Court at Dharashiv.
- (iii) After transfer of the proceeding, the applicant shall not seek unnecessary adjournments. In case the Trial Court finds that the adjournments are unnecessarily sought, the Trial Court may deal with such application, so as to compensate the respondent-husband, if he personally remains present.
- (iv) After transfer the learned Trial Judge shall try to dispose off the proceeding as early as possible and preferably within one (1) year from the date of transfer.
- (v) Whenever request is made by the respondent-husband seeking permission to appear through video conferencing, the same shall be considered liberally by the trial Court.

(vi) Needless to state that the applicant is at liberty to file an application for clubbing together the petitions under Hindu Marriage Act.

(vii) With this, Misc. Civil Application stands disposed off.

[KISHORE C. SANT, J.]