



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

MISC. CIVIL APPLICATION NO. 47 OF 2024

Saw. Shital @ Chaitanya Sagar Pardeshi
Age : 31 years, Occu. : Household,
R/o. : At Present C/o. : Nandusing Changansing Pardesh,
Shirasgoan, Tal Gangapur, Dist. Aurangabad. .. Applicant

Versus

Sagar Pratapsingh Pardeshi
Age : 33 years, Occu. : Agriculture,
R/o. : Nagardevla, Tal Pachora,
Dist. Jalgaon. .. Respondent

Mr. V. H. Pathade, Advocate for the Applicant.
Mr. Girish V. Wani, Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATED : 11th FEBRUARY, 2025.

P. C. :-

. Heard the parties.

2. This application is for transfer of HMP No. 989/2023 from the Court of learned Civil Judge Senior Division, Jalgaon to the Court of learned Civil Judge Senior Division, Vaijapur. The proceeding is filed by the respondent - husband seeking divorce.

3. The learned advocate for the applicant submits that, the applicant - wife is presently residing with her parents at Shirasgaon,

Taluka Gangapur, District Aurangabad. It is very difficult for her to travel to Jalgaon as there is no one to accompany her. Further ground pressed before this Court is that, one more proceeding is pending before the Court at Vaijapur bearing HMP No. 27/2024 for restitution of conjugal rights. It would be desirable to have both the proceedings together to avoid conflicting decisions.

4. The learned advocate for the respondent vehemently opposes the application. He submits that the proceeding is pending in the Court having jurisdiction. The parties are resided together in Jalgaon and therefore, the petition is filed in the Court at Jalgaon.

5. However, considering that the proceeding for restitution of conjugal rights is pending before the Court at Vaijapur and since the convenience of the wife requires that petition be transferred at Vaijapur, this Court is inclined to allow the application.

6. The Misc. Civil Application is allowed in terms of prayer clause (A). The proceeding of HMP No. 989/2023, after transfer, be clubbed with HMP No. 27/2024 which is presently pending before the learned Civil Judge Senior Division, Vaijapur.

7. After transfer of the proceeding, the Court shall may endeavour to decide both the proceedings as early as possible and preferably

within a period of one (01) year.

8. The applicant - wife shall co-operate in speedy disposal and shall not seek unnecessary adjournments. If the Court finds that, the adjournments are sought unnecessarily, the Court may pass orders compensating the respondent - husband.

9. The Misc. Civil Application stands disposed of.

(KISHORE C. SANT, J.)

P.S.B.