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954-MCA-61-2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

954 MISC.CIVIL APPLICATION NO. 61 OF 2024

Anjali W/o Sandeep Bankar (jagtap) (maiden Name Ms. Anjali Babruvan
Jagtap)

VERSUS

Sandeep S/o Ramdas Bankar Patil

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Mr. Hanmant Patil h/f Mr. Sham B. Patil, Advocate for Applicant.

Mr. N. E. Deshmukh, Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 7th OCTOBER 2025.

PC :-

1. Heard the learned Advocates for the parties.
2. This Application is filed by the applicant-wife seeking transfer of proceeding bearing Petition B. No.49 of 2023, pending before the learned Judge, Family Court No.2 at Pune, to the Court of learned Judge, Family Court at Aurangabad.
3. It is the case of the applicant-wife that the respondent-husband has already filed the petition bearing Petition No. A-127 of 2023 in the court of learned Judge, Family Court at Aurangabad in January 2023, seeking

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divorce. Thereafter, he filed the Petition No. B-49 of 2023 before the Family Court at Pune in July 2023. Presently, she is residing at Solapur. She is seeking transfer of the proceeding to Aurangabad for the reason that the earlier proceeding is already filed and pending in the Court at Aurangabad. Her parents also reside at Aurangabad, and therefore, she has no difficulty even if the proceeding is transferred to Aurangabad.

4. The learned Advocate Mr. Patil submits that the proceeding sought to be transferred is filed for declaration that the property acquired in the name of wife is, in fact, owned by the husband. Though in view of Section 16, such a Suit required to be filed in the Court where the property is situated, in view of Section 7 of the Family Court Act, the special statutes gives jurisdiction to the Family Court, which can be exercised by the District Judge or any sub-ordinate civil Court under any law for the time being in force in respect of suits and proceedings of the nature referred to in the explanation. He thus submits that the suit filed at Pune can be very well transferred at Aurangabad, though it is in respect of family property.

5. Learned Advocate for the respondent Deshmukh vehemently opposed the application. He submits that, there is no dispute that the property is situated at Pune. Some part of the property is also situated at Latur. The suit can be even transferred to Latur, where the wife can conveniently attend the Court as she herself is residing at Solapur. He further submits that in the application, the wife has made false statement that she is employed and also files income tax returns regularly, which shows that her income is more than what is stated in the application. In the application, she has falsely stated that she was working on a clock hour basis. Since the applicant is not approaching with clean hands, she does not deserve any relief, in his submission.

6. This Court has considered the submissions of the parties. There is no dispute that earlier proceeding is filed at Aurangabad, as the marriage between the parties has taken place at Aurangabad. The wife is not seeking transfer of that proceeding. Her only prayer is that the suit filed at Pune also be transferred to Aurangabad. This Court finds that it is always desirable and in the interest of parties that the proceedings

between the same parties are decided by the same Court. The proceedings can be even clubbed together, if they are before the same Court.

7. So far as the submissions of the respondent are concerned, those are more on the merits of the matter. In the present case, the Court has to consider the aspect of the transfer of the proceeding. This Court does not find any difficulty in transferring the proceeding pending at Pune to the Court at Aurangabad.

8. Considering all above and Section 7 of the Family Court Act, this Court finds that the application deserves to be allowed. Hence, the following order:

ORDER

- (i) Application stands allowed in terms of prayer clause (B).
- (ii) After transfer, the learned Court is requested to club Petition No.B-49 of 2023 and Petition No. A-127 together and shall try to dispose of the proceedings as early as possible and preferably within a period of one year from today.

- (iii) No party shall seek unnecessary adjournments.
- (iv) Whenever a request is made seeking permission to appear through video conferencing, such request shall be considered liberally.
- (vi) The parties may also explore the possibility of settlement out of the Court.
- (vii) With this, Misc. Civil Application stands disposed off.

[KISHORE C. SANT, J.]