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7-MCA-92-2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

7 MISC.CIVIL APPLICATION NO. 92 OF 2024

Mrs. Harshada W/o Akshay Kekan

VERSUS

Akshay S/o Vishnu Kekan

...

Mr. Sandip Ramnath Andhale, Advocate for Applicant.

Mr. Vijay B. Jagtap Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 18th FEBRUARY 2025

PC :-

1. Heard the learned Advocates for the parties.
2. This application is filed by the applicant-wife seeking transfer of the proceeding bearing Hindu Marriage Petition No.127 of 2023 pending before the Court of learned Civil Judge, Senior Division, Newasa to the Court of learned Judge, Family Court at Pune.
3. It is the case of applicant-wife that presently, she is residing at Pune with her parents. There is a child of five years of age who is staying with the applicant at Pune. The applicant-wife has also filed a proceeding under Section 9 of the Hindu Marriage Act for restitution of

conjugal rights bearing No.A-2254 of 2023 in the Family Court at Pune. It is the case of the wife that, there is no one to accompany her to travel to Newasa to attend the Court proceedings. It would be therefore convenient for her if the proceeding is transferred to the Family Court at Pune.

4. The learned Advocate for the Respondent-husband heavily objected the application.

5. Considering the submission and the fact, the wife is required to travel with a small child, it would be in the interest of justice to transfer the proceeding to the learned Judge, Family Court at Pune. It is also necessary to avoid conflict in judgments in the proceeding filed by the applicant-wife and by the husband. Hence, the following order:-

ORDER

- (i) Application is allowed in terms of prayer clause (C).
- (ii) After the proceeding is transferred, the applicant-wife shall co-operate in speedy disposal of the proceedings without seeking unnecessary adjournments. If the Court finds that unnecessary adjournments are sought by the applicant, the Court shall deal with it to

compensate the respondent.

(iii) The learned Judge, Pune shall try to dispose of the proceeding as early as possible and preferably within eighteen (18) months from the date of transfer of the proceeding.

(iv) Whenever possible, the respondent-husband be allowed to appear through Video Conferencing.

(v) With this, application stands disposed of.

[KISHORE C. SANT, J.]