



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

**MISC.CIVIL APPLICATION NO. 136 OF 2024
WITH
MISC.CIVIL APPLICATION NO. 265 OF 2023**

**VIREN S/O MOHAN GAWANE
VERSUS
TEJASWINI W/O VIREN GAWANE**

...
Advocate for Applicant : Adv. Chincholkar Surekha G.
Advocate for Respondents : Mr. Adv. P.S.dighe

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CORAM : KISHORE C. SANT, J.
Dated : January 28, 2025

PER COURT :-

1. Heard the parties for some time. Both the parties have filed Miscellaneous Civil Applications seeking transfer of the proceedings. The Miscellaneous Civil Application No. 136 of 2024 is at the instance of husband who has sought transfer of three proceedings i.e. (i) Petition No. E-62 of 2023 pending before the Family Court at Beed, (ii) Petition No. C-02 of 2023 pending before the Family Court, Beed and (iii) Application No. 599 of 2023 pending before the learned JMFC, Beed filed by the wife under the provisions of Protection of Women from Domestic Violence

Act. Whereas, Miscellaneous Civil Application No. 265 of 2023 is filed by the wife for transfer of Petition No. A-18 of 2023 pending before the Family Court-4, Nagpur to the Court at Beed.

2. The learned Advocate for the applicant in Application No. 136 of 2024 submits that in the proceedings under Domestic Violence Act, the respondent-wife has unnecessarily added family members of the applicant as party. Thus all the members of the family are required to travel distance of more than 550 kms to attend the Court at Beed. There was a settlement between the parties when earlier complaint was filed. In view of the settlement, the husband and wife started residing separately from other family members. Thereafter there is no harassment to the wife. However, just to harass the in-laws, the wife has filed proceedings at Beed. She thus submits that the proceedings be transferred at Nagpur.

3. Learned Advocate for the applicant in Miscellaneous Civil Application No. 265 of 2023 opposed

the Miscellaneous Civil Application No. 136 of 2024. In support of her case, it is submitted that there is constant harassment at the hands of respondent-husband and his family members. In spite of settlement, the said treatment continued. The wife was therefore constrained to lodge complaint at Beed. She has already lodged two other proceedings at Beed, one under Domestic Violence Act and one under Hindu Marriage Act and under Section 125 of the Criminal Procedure Code for maintenance. There is three years old child, which is residing with the wife. It is difficult for her to travel 550 kms distance only to attend the case proceedings. The respondent has to attend three proceedings at Beed. It would be therefore convenient to transfer the case pending before the Nagpur to the Court at Beed. This request is vehemently opposed by learned Advocate for applicant in Miscellaneous Civil Application No. 136 of 2024.

4. Looking to the legal position, it is the convenience of the wife which needs to be looked into while considering the application for transfer of proceedings. In

the present case, the distance between the two places is more than 550 kms to travel with a three years old child, which is certainly difficult.

5. Considering the above, this Court is inclined to allow the application. While allowing the application this Court finds that, it could be in the interest of justice if the cases are transferred to one Court at Beed i.e. Family Court. So far as domestic violence case is concerned, that can certainly be transferred to the Family Court as well as the case under Section 125 Cr.P.C. The other two cases already pending before the Family Court at Beed. After transfer of proceedings from the Court at Nagpur, all the cases be clubbed together for the convenience of both the parties, in view of the judgments reported in *2022 (1) AIR BOM R 506 in the case of Sandeep Shekar Shetty vs. Sarika Sandeep Shetty*. and another judgment reported in *2023 BHC-AS : 38681 in the case of Rohan Shah vs. Nishigandha Shah*. Thus following order :

ORDER

- i. The proceedings of Petition No. A-18 of 2023 is transferred to the Family Court at Beed. After transfer, the said proceedings be clubbed with the proceedings i.e. (i) Petition No. E-62 of 2023 pending before the Family Court at Beed, (ii) Petition No. C-02 of 2023 pending before the Family Court Beed and (iii) Application No. 599 of 2023 pending before the learned JMFC, Beed.
- ii. After transfer the respondent-wife shall not seek unnecessary adjournment. If the Court finds that adjournments are unnecessarily sought the Court may pass appropriate order compensating the other side.
- iii. The proceedings be decided as early as possible and within eighteen (18) months from the date of transfer.
- iv. Whenever possible, the parties may appear through video conference.
- v. With these both the applications stand disposed of.

(KISHORE C. SANT, J.)