



(1)

7-MCA-210-2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

7 MISC. CIVIL APPLICATION NO. 210 OF 2024

Pallavi Siddharth Pathak

VERSUS

Siddharth Shridhar Pathak

AND

8 MISC. CIVIL APPLICATION NO. 212 OF 2024

AND

9 MISC. CIVIL APPLICATION NO. 218 OF 2024

AND

10 MISC. CIVIL APPLICATION NO. 219 OF 2024

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Mr. Vinod Prakash Patil, Advocate for Applicant.

Mr. B. R. Kedar, Advocate for the Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 17th MARCH 2025

PC :-

1. Heard the learned Advocate for the parties.
2. Since the parties are common, all these applications are taken up together.

Sr. No.	MCA	Trial Court/ first appellate Court proceeding No.
1.	210/2024	Execution petition No.62 of 2023 for recovery of arrears of maintenance.

2.	212/2024	Civil Misc. Application No.62 of 2023 under Guardians and Wards Act.
3.	218/2024	Misc. Civil Application No.66 of 2023 for delay condonation in Appeal before District Judge, Bhusawal.
4.	219/2024	Execution Petition No.63 of 2023 pending before CJSD Bhusawal claiming execution of judgment and order dt.2.5.2023 in HMP No.215 of 2019.

3. These applications are filed by the applicant-wife seeking transfer of the proceedings from the learned Court at Bhusawal to the learned Court at Pune.

4. It is the case of the applicant-wife that all these proceedings though are filed by her in the Court at Bhusawal while staying with her brother. It is the case that she lost her father long back and presently, she is residing with her brother at his mercy. When the proceeding was filed, the brother was staying at Bhusawal. Now, the service of the brother is transferred at Pune and it is for this reason, the proceeding is required to be transferred at Pune.

5. Learned Advocate for the Applicant-wife strongly submits that in view of transfer of the brother, the applicant is required to shift to Pune.

Her daughter is taking education in 1st standard at Pune. It is difficult for her to come to Bhusawal to attend the proceeding alongwith daughter. It is submitted that though all the proceedings are initiated by her, now in view of this peculiar circumstances, the same are required to be transferred.

6. Learned Advocate for the respondent-husband vehemently opposed the applications. He submits that the transfer of a person with whom the wife is residing cannot be a ground to transfer the proceeding. In the present case, it is the wife only who has filed the proceeding in the Court at Bhusawal and now, she herself wants to same be transferred to Pune. Pune Court has no jurisdiction since the marriage has taken place at Bhusawal. There is no case that the couple resided in Pune, at any point of time, after marriage. In such circumstances, he prays for rejection of the application.

7. It is seen from the averments and the arguments that it is the wife who filed four proceedings at Bhusawal. The only ground made out is transfer of her brother at Pune. This Court finds that this can hardly be examined to transfer the proceeding. If such ground is allowed to be

taken, it would create further complications after each of transfer of such person. However, looking at the fact that she will have to transfer from Pune. The trial Court to dispose of the proceeding as early as possible and preferably within one year from the date of transfer of the proceeding.

8. The applicant may apply for appearing through video conferencing whenever is possible. The trial Court shall consider the said request liberally.

9. The respondent shall not seek unnecessary adjournments. In case he seeks unnecessary adjournments, the wife shall be compensated appropriate whenever she attends the Court proceeding personally.

10. The respondent-husband to pay Rs.2,000/- for travelling expenses whenever wife attends the court proceedings.

11. With this, all applications stand disposed off as rejected. No order as to costs.

[KISHORE C. SANT, J.]