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10-MCA-269-2024

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

10 MISC. CIVIL APPLICATION NO. 269 OF 2024

Sau. Priya W/o Shriram Jahagirdar

VERSUS

Dr. Shriram S/o Kantrao Jahagirdar

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Mr.Amit Arunkumar Mukhedkar, Advocate for Applicant.

CORAM : KISHORE C. SANT, J.

DATE : 6th FEBRUARY 2025

PC :-

1. Heard the learned Advocate for the applicant.
2. In spite of service, none appears for the Respondent.
3. This application is filed seeking direction to transfer the proceeding of P. A. No. 74 of 2023 instituted by Respondent-husband in the Court of learned Judge of the Family Court at Parbhani to the Court of learned Judge of the Family Court at Nanded.
4. It is the case of the applicant-wife that the wife has filed divorce proceeding in Family Court at Nanded. Just to counter that case, the husband has filed the petition under Section 9 of the Hindu marriage Act for restitution of conjugal rights in the Family Court at Parbhani. The

husband is very much residing at Nanded and his serving in one hospital. In fact, he has also filed one proceeding under Section 156(3) of Cr.P.C. against the wife. He also filed a private complaint against wife for the offence under Section 420 of the I.P.C. in the Court at Nanded. Thus three cases are pending at Nanded. Still to just harass the wife, the husband has filed proceeding at Parbhani. It is further submitted that there are two daughters from the marriage. Both the daughters are pursuing good academic career. They have secured more than 95% marks in the exams. Both the daughters are looked after by the applicant-wife. If she is to attend the Court at Parbhani, she would not be able to pay attention to the career of her daughters. A request is therefore made for transfer of the petition.

5. This Court has considered all the submissions made by the learned Advocate for the applicant. It is also necessary to avoid conflict in judgments in the proceeding filed by the applicant-wife and by the husband. On hearing the learned Advocate for the applicant, this Court finds that the application deserves to be allowed. 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-wife, the Court shall deal with it to compensate the respondent.
- (iii) The learned Judge shall try to dispose of the proceeding as early as possible and preferably within one year from the date of transfer of the proceeding.
- (iv) With this, application stands disposed of.

[KISHORE C. SANT, J.]