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902 -MCA-350-2023

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 MISC.CIVIL APPLICATION NO. 350 OF 2023

Sow. Neha Ganesh Kande

VERSUS

Ganesh Baburao Kande

...

Mr.Pravin N Kalani, Advocate for Applicant.

Ms. Madhu R. More, Advocate for the Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 6th FEBRUARY 2025

PC :-

1. Heard the learned Advocate for the parties.
2. This application is filed by the applicant-wife seeking transfer of Hindu Marriage Petition No.248 of 2023 pending in the Court of learned Civil Judge, Senior Division, Ambajogai to the Court of learned Judge, Family Court at Parbhani.
3. The applicant before this Court is wife. The proceeding is filed by respondent-husband. The learned Advocate for the applicant submits that the wife has lodged two proceedings which are pending in the Family Court at Parbhani. One proceeding is pending in the Court of

learned Judicial Magistrate First Class, Parbhani. The husband is required to attend those proceedings in Parbhani. Considering these facts, he submits that it would be convenient for both the parties if all the proceedings are decided in the family Court at Parbhani to avoid contradictory judgments.

4. The learned Advocate for the respondent vehemently opposes the application. She submits that the distance between Ambajogai to Parbhani is only about 115 k.m. There are better facilities available for traveling. The divorce proceeding is filed in the Court having jurisdiction. The wife has filed this application only to harass the applicant. She thus prays for dismissal of the application.

5. After hearing the parties, this Court finds that wife has already instituted the proceeding under Section 125 of the Cr.PC. in the Family Court at Parbhani. There is also proceeding filed under the Domestic Violence Act which is also pending in the Family Court at Parbhani. It would be in the interest of justice that all the proceedings are decided by the learned Judge, Family Court, Parbhani.

6. In view of the same, application stand allowed in terms of prayer

clause (B).

7. 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 may pass appropriate order compensating the respondent whenever he attends the court proceedings.

8. The learned Judge 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.

9. The Court shall also liberally consider the request of the husband if he wants to appear through VC.

10. With this, application stands disposed of.

[KISHORE C. SANT, J.]