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14-MCA-375-2023

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

14 MISC.CIVIL APPLICATION NO. 375 OF 2023

Varsha@vibha Lokesh Thakur

VERSUS

Lokesh Prakash Thakur

...

Ms. Sunita G. Sonawane, Advocate for Applicant.

Mr. S. K. Shinde h/f Mr. Jitendra V. Patil Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 12th FEBRUARY 2025

PC :-

1. Heard the parties.
2. This Civil Application is filed for transfer of the proceeding of Hindu Marriage Petition No.354 of 2023 pending before the learned Civil Judge, Senior Division, Vasai Dist. Palghar to the learned Civil Judge, Senior Division, Amalner Dist. Jalgaon.
3. It is the case of the applicant-wife that she is residing with her old aged parents. There is four years son, who is also staying with the applicant-wife. It is difficult for her to travel to Vasai to attend the Court proceeding as the distance is about 450 k.m. She has also instituted one

proceeding under Section 9 of the Hindu Marriage Act for restitution of conjugal rights at Amalner. One proceeding under the Domestic Violence Act is also filed at Amalner. The husband is appearing in both the proceeding at Amalner. It is therefore, prayed that the proceeding pending in the Court at Vasai also be transferred to the Court at Amalner.

4. The learned Advocate for the respondent-husband vehemently opposed the application. He submits that the respondent-husband has to maintain his old aged mother, who is suffering from brain tumor and requires a treatment. He lost his father in the childhood and thus there is no one to look after the mother. He is also ready to bear the travelling expenses of the applicant whenever she attends the Court proceedings. He thus prays for dismissal of the application.

5. Considering all above, this Court finds that the husband is already attending the Court proceeding at Amalner in two other proceeding instituted by the wife. The wife is also maintaining one son aged about four years. To avoid conflicting the judgments, it is necessary that the proceeding under Section 9 of the Hindu Marriage Act is decided

alongwith the proceeding sought to be transferred.

6. Considering the distance she is required to travel, this Court finds that it would be in the interest of justice to transfer the proceeding from the learned Civil Judge, Senior Division, Vasai Dist.Palghar to the learned Civil Judge, Senior Division, Amalner Dist.Jalgaon. Hence, the following order:-

ORDER

- (i) The application is therefore allowed in terms of prayer clause (B).
- (ii) After transfer of the proceeding, 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 eighteen (18) months from the date of transfer of the proceeding.
- (iv) The trial Court shall give the dates considering the dates given in other two proceedings so as to avoid inconvenience to the husband.

(v) The husband if prays for leave to appear through Video Conferencing, the same shall be considered by the trial Court.

(vi) With this, application stands disposed off.

[KISHORE C. SANT, J.]