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8-MCA-371-2023

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

8 MISC.CIVIL APPLICATION NO. 371 OF 2023

Reena W/o, Hrishikesh Chaudhari

VERSUS

Hrishikesh S/o, Shivaji Chaudhari

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Mr. Pradeep K. Palve, Advocate for Applicant.

Mr. Uday M. Shikare (through VC) and Parag Bhujabal for Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 25th FEBRUARY 2025

PC :-

1. Heard the learned Advocate for the parties.
2. This application is filed seeking transfer of the proceeding bearing Petition A-No.1421 of 2023 pending in the Court of learned Judge, Family Court Pune to the Court of learned Judge, Family Court at Aurangabad.
3. The application is filed by the wife who has already filed three cases i.e. one Petition A-No.503 of 2023 pending in the Family Court at Aurangabad seeking restitution of conjugal rights. Another proceeding is filed under Section 125 of the Cr.P.C. bearing No.546 of 2023 pending in

the Family Court at Aurangabad. A complaint is also filed before the learned JMFC, Aurangabad bearing No.700 of 2023 under the Domestic Violence Act. The learned Advocate therefore submits that it would in the interest of justice, and looking to the convenience of the applicant-wife, to transfer the proceeding at Aurangabad.

4. The learned Advocate for the respondent vehemently opposed the application. He submits that the wife is very well staying in Pune. She is an I.T. Engineer. The respondent-husband is also I.T. Engineer. The proceedings are also filed just to harass the husband. In addition to the cases mentioned above, he submits that there is also a complaint under Section 498-A of the IPC and that is pending before the court at Aurangabad. He thus prays for rejection of the application on these grounds.

5. After hearing the parties, this Court finds that already proceeding is filed under Section 9 of the Hindu Marriage Act seeking restitution of conjugal rights. It would be proper that the restitution of conjugal rights case and the divorce petition is heard by the same Court to avoid conflict between judgments. As it is the husband has already appeared in the

cases pending at Aurangabad.

6. Considering all above, this court finds that it would be in the interest of justice to allow the application. The application is therefore allowed in terms of prayer clause (B).

7. The applicant shall not seek unnecessary adjournments. In case the Trial Court finds that the adjournments are unnecessarily sought, the Trial Court may deal with such application, so as to compensate the respondent-husband, if he personally remains present.

8. After transfer of the proceeding, the learned Trial Judge shall try to dispose off the proceeding as early as possible and preferably within eighteen (18) months from the date of transfer.

9. The respondent-husband is at liberty to apply for permission to appear through video conference when his personal attendance is not required.

With this, application stands disposed off.

[KISHORE C. SANT, J.]