



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

44 MISC.CIVIL APPLICATION NO. 76 OF 2024

SOW GEETANJALI @ ANJALI SANJEEV KENDRE

VERSUS

SANJEEV SHESHERAO KENDRE

Mr.M.P. Tripathi, Advocate for the applicant.

Mr.D.S. Patil h/f. Mr.S.S. Gangakhedkar, Advocate for the respondent.

CORAM : KISHORE C. SANT, J.

DATE : 23.01.2025

PC :-

01. Heard. This application is for transfer of HMP No. 121 of 2023 filed for divorce by the respondent-husband in the Court of CJSD, Omerga to the Family Court, Latur. It is case of the applicant that she is presently residing at Latur. She has also filed one proceeding under section 125 of the Criminal Procedure Code, which is pending in the Family Court, Latur. It is stated that both the proceeding can be taken on the same day by the Family Court.

02. The learned Advocate for the respondent vehemently opposes the application. He submits that the wife has already filed proceeding under the Protection of Women from Domestic Violence Act at Omerga. Now, she wants the proceeding to be transferred only to harass the

respondent, who is in service. The distance between the two places is only 75-80 kms. It is the Court at Omerga which has jurisdiction. One son is studying with husband and only daughter is residing with the wife.

03. The learned Advocate for the applicant submits that in-fact there was proceeding pending for custody of child at the instance of the husband. However, before the decision, the husband has forcibly taken custody of one child.

04. Be as it may, this Court finds that already one proceeding is pending in the Family Court, Latur. It would be desirable to transfer the HMP No. 121 of 2022 to the Court at Latur. So far as prayer for transfer of the proceeding under the Protection of Women from Domestic Violence Act, this Court finds that the applicant has to make application on the criminal side for transfer of the said Proceeding. Hence, following Order.

ORDER

- i. The misc. civil application is partly allowed.
- ii. Proceeding of HMP No. 121 of 2023 pending before the Court of CJSD, Omerga stands transferred to the Family Court, Latur.
- iii. The Family Court, Latur to grant date in the Hindu Marriage Petition on the same date that would be given

in the proceeding in the Criminal case.

- iv. The Trial Court shall try to dispose off the proceeding as early as possible and preferably within one year.
- v. The applicant is at liberty to make prayer of transfer of the proceeding under the Protection of Women from Domestic Violence Act before the appropriate Court.
- vi. Parties to cooperate for early disposal of the proceeding without seeking unnecessary adjournments.

[KISHORE C. SANT, J.]