



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

52 MISC.CIVIL APPLICATION NO. 109 OF 2024

SAU. PRIYANKA W/O DADASAHEB DOKE

VERSUS

DADASAHEB S/O DNYANOBA DOKE

Mr.H.V. Tungar, Advocate for the applicant.

Mr.G.J. Pahilwan, Advocate for sole respondent.

CORAM : KISHORE C. SANT, J.

DATE : 23.01.2025

PC :-

01. Heard. This application is filed by wife seeking transfer of proceeding by the respondent-husband in the Court of CJSD, Satara bearing HMP No. 56 of 2024 to the Family Court, Beed. The ground taken is that distance between the two places is more than 270 kms. If the applicant is to travel to Satara, she is required to stay there for a night to attend the proceeding on next day. Therefore, she finds it difficult. There is one proceeding pending at Beed under the Protection of Women from Domestic Violence Act, bearing Cri. M.A. No. 274 of 2024. She has also filed proceeding for restitution of conjugal rights in the Family Court, Beed bearing No. Petition-A-42 of 2024. The learned Advocate thus submits that to avoid conflicting decision, it is necessary that the proceeding of dissolution of marriage and proceeding of

restitution of conjugal rights are tried and decided by the same Court.

02. Learned Advocate for the respondent strongly opposes the application. He states that mere convenience of party cannot be a reason to transfer the proceeding. In the present case, it is the Court at Satara which is having jurisdiction. Therefore, the proceeding is rightly instituted in the Court at Satara.

03. Considering that the distance between the two places is more than 270 kms. and to attend the Court the wife is required to stay overnight at Satara, this Court finds that the convenience of wife requires precedence. This Court also finds force in the submission that in order to avoid conflicting judgments, it is necessary that the proceedings of dissolution of marriage and restitution of conjugal rights are tried by the same Court. Hence, the following order :-

ORDER

- i. The misc. civil application is allowed in terms of prayer clause (B).
- ii. After transfer the learned Trial Judge shall try to dispose off the proceeding as early as possible and preferably within one year from the date of transfer.

- iii. The applicant shall not seek unnecessary adjournments. In case the Trial Court find 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.

[KISHORE C. SANT, J.]