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The respondent has also filed a petition for dissolution of marriage under section 13(1)(ia) of the Hindu Marriage Act, 1955, being Marriage Petition No. 25 of 2024, before the Civil Judge, Senior Division, Islampur. The applicant No. 1 has instituted a petition for restitution of conjugal rights under section 9 of the Hindu Marriage Act, 1959, being Petition No. A-14 of 2024, before the Family Court at Sangli. Applicant No. 1 has also filed a petition for custody of the child under section 25 of the Guardians and Wards Act, 1890 before the Family Court at Sangli.

5. The applicants aver the respondent is gainfully employed at Sangli. The respondent stays at Sangli. Notices of both the proceedings instituted before the Family Court have been served on the respondent at Sangli. Thus the proceedings pending before the Courts at Islampur be transferred to the Family Court at Sangli.

6. In response to the notice, the respondent has appeared and resisted the prayer of transfer. An un-affirmed copy of the affidavit in reply was sought to be tendered.

7. I have heard Mr. Solanke, learned counsel for the applicant and Mr. Sawant, learned counsel for the respondent.

8. Mr. Solanke, learned counsel submitted that the respondent, in fact, resides within the local limits of jurisdiction of the Family Court, Sangli. Yet, the respondent has instituted the proceedings

before the Courts at Islampur. Attention of the Court was invited to the copies of the service reports in Petition No. A-14 of 2024 and petition No. D-1/2024 instituted by the applicant No. 1 before the Family Court Sangli, which indicate that the notices were duly served on the respondent at Sangli. Even the notice of the instant application was also served on the respondent at Sangli. In these circumstances, it would be expedient that all the proceedings are heard and decided by the Family Court at Sangli.

9. Mr. Sawant, learned counsel for respondent, initially made an endeavour to controvert the contentions on behalf of the applicant that the respondent resides at Sangli. Later on, Mr. Sawant submitted that, though the respondent resides at Sangli, yet, since the place of work of the respondent and the Family Court at Sangli are at a close distance, it would affect the work of the respondent if the proceedings pending before the Court at Islampur are also transferred to Family Court at Sangli. It was submitted that the respondent permanently resides at village Bavachi, Tal. Walwa, Dist. Sangli which is about 35 km away from Sangli. In contrast, the distance between Bavachi and Islampur is 15 km only. Therefore, the application be rejected.

10. To begin with, it is necessary to note that in the two petitions instituted by the applicant No. 1, before the Family Court at Sangli,

the address of respondent is that of Sangli and the Bailiff reports indicate that the notices in those proceedings were duly served on the respondent at Sangli.

11. An endeavour was made on behalf of respondent to urge that the said address of respondent is not permanent. This submission is required to be appreciated in the light of the fact that it is incontrovertible that respondent is working at Sangli. Prima facie, it appears the respondent is residing at Sangli and is also posted at Sangli.

12. The submission on behalf of the respondent that since the place of work of the respondent is at a close distance from the Family Court of Sangli, the proceedings ought not be transferred from Islampur to Sangli does not merit countenance. It is imperative to note that two proceedings are already subjudice before the Family Court at Sangli. The respondent has, it appears, entered appearance in those proceedings.

13. In the peculiar facts of the case, the aspect of convenience of the parties does not seem to be of material significance. Sangli is at a distance of about 30 kilometers from the native place of the respondent. Indisputably, the respondent is posted at Sangli. It defies comprehension that the trial of the proceedings at Islampur subserves the convenience of respondent while she is posted at

Sangli. The submission was converse. An endeavour was made to urge that since the distance between the Family Court premises and the place of work of the respondent is close, it would embarrass the respondent. I am afraid such a submission can be countenanced.

14. Apart from the aspect of convenience of the parties, especially that of the respondent, the consideration of effective adjudication of all the disputes between the parties by one and the same forum weighs with this Court. It needs no reiteration that the Family Court is better equipped to resolve the matrimonial disputes as it is unshackled by the strict rules of procedure and evidence. The trial of all the proceedings before the Family Court at Sangli, may promote the cause of an efficient, swift, effective and conclusive adjudication of all the disputes between the parties.

15. In the aforesaid view of the matter, I am inclined to allow the application.

Hence, the following order.

ORDER

1] The application stands allowed in terms of prayer clauses (b) and (c).

2] Misc. Application No. 131 of 2023 stands transferred from the Court of Judicial Magistrate First Class, Islampur, Dist. Sangli to the

Family Court at Sangli for hearing and disposal in accordance with law.

2] Marriage Petition No. 25 of 2024 stands transferred from the Court of Civil Judge Senior Division, Islampur, Dist. Sangli to the Family Court at Sangli for hearing and disposal in accordance with law.

3] The learned JMFC, Islampur and learned Civil Judge, Islampur shall transfer the record and proceedings in Misc. Application No. 231 of 2023 and Marriage Petition No. 25 of 2024, respectively, with such dispatch that it reaches the Family Court at Sangli within a period of four weeks from the date of communication of this order.

(N. J. JAMADAR, J.)