

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISC. CIVIL APPLICATION NO. 524 OF 2024

Sonali Hemant Jagdeo ...Applicant

Versus

Hemant Milind Jagdeo ...Respondent

Ms. Monali Patil, for the Applicant.

SANTOSH
SUBHASH
KULKARNI

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CORAM: N. J. JAMADAR, J.

DATED: 21st MARCH, 2025

PC:-

1. Heard the learned Counsel for the Applicant.
2. This is an application for transfer of Marriage Petition No.A352 of 2022 filed by the respondent before the Family Court at Dhule, to the Family Court at Nashik, where Petition No.A656 of 2023 for restitution of conjugal rights is subjudice.
3. Notice was issued to the respondent.
4. The Court notice issued to the respondent was returned with the remark the respondent is residing at Nashik.
5. The applicant has made an attempt to serve the respondent privately. An affidavit of service is filed.

6. The respondent has refused to accept the service of notice sent by RPAD. The notice is declared to have been served on the respondent.

7. Evidently, the respondent is residing at Nashik. Another petition for restitution of conjugal rights is subjudice before the Family Court at Nashik. The proceedings filed under the Protection of Women from Domestic Violence Act, 2005 is also pending before the Family Court at Nashik. In these circumstances, it may be expedient, in the interest of justice, that Marriage Petition A352 of 2022 is also transferred to the Family Court at Nashik for hearing and disposal in accordance with law alongwith Petition No.A656 of 2023.

8. In these circumstances, it appears that no inconvenience would be caused to the respondent as he is stated to have shifted to Nashik.

9. Nonetheless, it is trite that in the matter of transfer of matrimonial proceedings, ordinarily, it is the convenience of the wife which commands precedence. I am, therefore, inclined to allow the application.

10. Hence, the following order:

: O R D E R :

- (i) The application stands allowed.
- (ii) Marriage Petition No.A352 of 2022 pending on the file of Family Court at Dhule, stands transferred to the Family Court at Nashik, for hearing and disposal in accordance with law alongwith Petition No.A656 of 2023.
- (iii) The learned Judge, Family Court at Dhule shall transfer the record and proceedings in Marriage Petition No.A352 of 2022 with such dispatch that it reaches the Family Court at Nashik, within a period of four weeks from the date of communication of this order.
- (iv) Application stands disposed.
No costs.

[N. J. JAMADAR, J.]