

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

924 MISC.CIVIL APPLICATION NO. 143 OF 2024

DR. DNYANESHWAR S/O KISANRAO LANDGE

VERSUS

DR. SAU. GITANJALI W/O DNYANESHWAR LANDGE

...

Advocate for Applicant : Mr. Shinde Bhagwat Achutrao

Advocate for Respondent : Ms.Gore Nikita Narayan

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CORAM : Y.G. KHOBRAGADE, J.

DATE : 16.01.2026

PER COURT :

1. Heard, the learned Counsel Mr. Shinde, appearing for the applicant-husband and Ms. Gore, learned Counsel appearing for the respondent-wife at length.

2. By the present application, the applicant-husband seeking transfer of Hindu Marriage Petition No. A-44 of 2022, from the file of learned Family Court, Latur, to the file of learned Civil Judge, Senior Division, Tuljapur, for disposal in accordance with the law.

3. The learned Counsel appearing for the applicant canvassed that, the non applicant wife was earlier working with Government Hospital, Latur and subsequently she transferred to Baramiti. However, while she was working at Latur, she has filed a proceeding bearing Hindu Marriage Petition No. A-44 of 2022, whereas, the applicant-husband has filed Hindu Marriage Petition, bearing No. 34 of 2022, which is pending on the file of the learned Civil Judge, Senior Division,

Tuljapur, therefore, to avoid conflict of jurisdiction, the applicant prays for transfer of the Hindu Marriage Petition No. A-44 of 2022, from the file of learned Family Court, Latur to the file of learned Civil Judge, Senior Division, Tuljapur.

4. Per Contra, the non applicant has filed reply and resisted the application.

5. Learned Counsel appearing for the applicant canvassed that, the applicant and the non applicant both are medical practitioner. The applicant husband is serving in Rural Hospital, Wadala, Tq. Solapur, whereas, the non applicant-wife is also working as Medical Officer at Baramati. However, the non applicant-wife has filed a Marriage Petition bearing No. A-44 of 2022, seeking decree of divorce and subsequently the applicant-husband has filed a Hindu Marriage Petition No. 34 of 2022 seeking a decree of restitution of conjugal rights.

6. However, the non applicant-wife submits that she has to travel by train to attend the proceedings before the Family Court, Latur and as such, the distance of Tuljapur, where the applicant has lodged the Hindu Marriage Petition No. 34 of 2022 is 70 k.m. Therefore, the applicant husband can attend such proceeding before the Family Court, Latur, hence prays for rejection of the application.

7. It would be appropriate to state that, the distance between the Baramiti and Tuljapur is 211 k.m. whereas, the distance between the

Baramiti and Latur is 390 k.m. Similarly, the distance between the Tuljapur and Latur is 70 k.m. Though the applicant being in service as Medical Officer at Rural Hospital at Wadala, North Solapur, District Solapur, however he is regularly attending the proceeding of Hindu Marriage Petition No. 34 of 2022 before the Civil Judge, Senior Division, Tuljapur.

8. Though the non applicant wife is serving as a Lecturer at Baramiti, and she attending the proceeding before the Family Court, Latur, by travelling by train and the distance between the Tuljapur and Latur is 70 k.m. away. Whereas, the distance between the Rural Hospital, Wadala, North Solapur to Latur is 120 k.m., therefore, instead of transfer of Hindu Marriage Petition bearing No. A-44 of 2022 on the file of learned Civil Judge, Senior Division, Tuljapur, if the Hindu Marriage Petition bearing No. 34 of 2022, is transferred to the Family Court, Latur, it would be convenient for the applicant-husband and non applicant-wife to conduct both the matters together.

9. In view of the above, I am not inclined to transfer Hindu Marriage Petition bearing No. A-44 of 2022 as prayed by the Petitioner/husband. Hence, the Present Application itself is **dismissed**.

10. However, the Hindu Marriage Petition No. 34 of 2022, pending on the file of learned Civil Judge, Senior Division, Tuljapur, is hereby withdrawn and it is transferred to the file of learned Family Court, Latur, to decide it alongwith the Hindu Marriage Petition No. 34 of

2022, to avoid conflicting decisions.

11. No order as to the costs.

12. This order be communicated to the Concerned Courts.

(Y.G. KHOBRAGADE, J.)

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