

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

Misc. Civil Application No.46 of 2016

Sayali w/o Vikram Suryawanshi. .. **Applicant.**

Versus

Vikram s/o Abasaheb Suryawanshi. .. **Respondent.**

Smt. A.N. Ansari, Advocate holding for Smt. Chhaya
Gaikwad, Advocate, for applicant.

Shri. M.N. Deshmukh, Advocate, for respondent.

CORAM: T.V. NALAWADE, J.

DATE : 6th JUNE 2016.

ORDER:

1) The application is filed for transfer of Misc. Civil Application No.268/2015 presently pending in the Court of the Civil Judge Senior Division, Ambejogai, District Beed to the Family Court Aurangabad. Heard both the sides.

2) It is the case of the applicant-wife that she is resident of Aurangabad and she cannot afford to spend on conveyance, attendant etc. as the matter is pending in Ambejogai Court which is at the distance of more than 200 kilometers. It is her case that she is required to take

care of her issue aged 3 and half years and due to this circumstance also she may not be able to go to Court situated at Ambejogai to contest the matter effectively.

3) Learned counsel for the husband submits that the husband is serving as teacher and he is ready to pay for the conveyance etc. and only for that reason the matter need not be transferred.

4) It appears that the aforesaid proceeding is filed for restoration of Hindu Marriage Petition filed for restitution of conjugal rights by the husband. It appears that the wife had filed proceeding under section 125 of the Cr.P.C. but that proceeding is dismissed. Learned counsel for the wife submitted that the wife has filed another proceeding under the Protection of Women from Domestic Violence Act in a Court from Aurangabad and so no inconvenience will be caused to the husband if both the matters are brought at one and the same station.

5) Though the husband shows readiness to give some amount for travelling, things go out of control and it is not certain as to how much time will be required for

disposal of the restoration application and then for disposal of the main matter. Further there is another circumstance that the wife is required to take care of her child aged three and half years. In view of these circumstances, this Court holds that the matter needs to be transferred from Ambejogai Court. The husband is required to come to Aurangabad to contest the other matter and so no inconvenience will be caused if both the matters are kept at Aurangabad. The new Court can take care and see that the present matter is posted on the date given in the other proceeding filed by the wife.

6) So, the application is allowed. The application presently pending in the Court of the Civil Judge Senior Division Ambejogai is withdrawn from that Court and is transferred to the Family Court Aurangabad. The parties to appear before the new Court on 8th July 2016. The new Court is to take care and see that the date of both the proceedings is one and the same so that no inconvenience is caused to the parties as observed above.

Sd/-
(T.V. NALAWADE, J.)

rs1