

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

923 MISC.CIVIL APPLICATION NO. 63 OF 2016

ANJUM PARVEEN W/O SK. AMIN
VERSUS
SK. AMIN SK. MAHEBOOB

Shri. Prashant M. Nagargoje, Advocate, for applicant.

Shri. R.B. Ade, Advocate, for respondent.

CORAM: T.V. NALAWADE, J.

DATE : 14 JULY 2016

ORDER:

1) The application is filed by the wife for transfer of the proceeding filed by the husband for restitution of conjugal rights. The matter is pending in the Family Court Aurangabad and the transfer is sought by the wife to the Court of the Civil Judge, Senior Division, Latur. Both sides are heard.

2) It is the case of the wife that she is in service and she has to take care of her child aged about 5 years. It is her case that the distance between Latur and

Aurangabad is more than 275 kilometers and she will face all kinds of problems in coming to Aurangabad and every time she may not get attendant. It is her case that she has filed proceeding under Protection of Women from Domestic Violence Act and also for maintenance at Latur and in any case the husband will be required to come to Latur to contest those matters.

3) Learned counsel for the husband submitted that the husband is ready to take the wife back to the matrimonial house and the husband is desirous that the matter is referred to mediator. To this, learned counsel for the applicant submitted that it is not a bona fide offer.

4) It appears that in past the wife was serving in Aurangabad and the proceeding was filed at Aurangabad. However she is now serving in Latur and there are aforesaid circumstances. Inconvenience will be caused to the wife if she is compelled to come to Aurangabad. On the other hand the husband is doing business and he will be required to go to Latur to contest the matters filed by the wife. Care can be taken to see that all the matters

are kept on the same date. So the application is allowed. The petition No. A-276/2015 presently pending in the Family Court Aurangabad is hereby withdrawn from that Court and is transferred to the Court of the Civil Judge, Senior Division, Latur. The new Court to take care and see that the date of the present proceeding matches with the dates of the proceedings filed by the wife. The parties to appear in the new Court on 26th August 2016. The new Court to expeditiously dispose of the matter and in any case within four months from the date of receipt of the record from the previous Court.

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

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