

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

MISCELLANEOUS CIVIL APPLICATION NO 99 OF 2016

Ayesha Tanveer w/o Syed Saquib Ahraruddin
Age 29 years, occupation : Doctor,
R/o At present c/o Shaikh Haroon Moinoddin,
Farooque Nagar, Hingoli Naka, Nanded .. Applicant

versus

Syed Squib Ahraruddin s/o Syed Tareq,
Age 30 years, occup. Doctor,
R/o Himayatnagar, Near Ayesha Masjid,
HUDCO, Aurangabad .. Respondent

Mr. R. M. Jade, Advocate holding for Mr.
G.G. Suryawanshi, Advocate for applicant
Mr. Y. M. Khan, Advocate for respondent

CORAM : SUNIL P. DESHMUKH, J.

DATE : 6th December, 2016

ORAL JUDGMENT:

1. Rule. Rule made returnable forthwith. Heard learned counsel for parties finally by consent.
2. Learned counsel for the applicant states that applicant has filed proceedings before family court at Nanded for restitution of conjugal rights bearing petition no. A 31/2016 and yet another proceedings before the Judicial Magistrate, First Class, Nanded, under Domestic Violence Act.

3. It is further being contended, although applicant has taken education upto B. A. M. S. , yet she is searching for job and as such there is no source of income worth the name. Learned counsel further submits that the respondent is a medical practitioner and is serving at Mukhed in Nanded district, which is at a distance of about 80 kilometers from Nanded.

4. In the circumstances, according to learned counsel, the proceedings initiated by respondent in family court at Aurangabad for restitution of conjugal rights bearing Petition no. A 40/2016 are mischievous and are filed for causing harassment to the applicant. He further submits that even otherwise, since respondent is working at Mukhed, it would be convenient for him to attend the proceedings at Nanded.

5. Learned counsel Mr. Y. M. Khan, although purports to resist the application, yet he is not in a position to seriously challenge veracity of contentions of the applicant and contends that the proceedings at Aurangabad are not with a view to harass the respondent and are not mischievous proceedings.

6. In any case, both the parties have instituted proceedings for restitution of conjugal rights respectively at Nanded and Aurangabad, and applicant being residing at Nanded and respondent being working in Nanded district, it would be

expedient that the proceedings by the respondent in family court at Aurangabad are transferred to family court at Nanded.

7. In view of aforesaid, miscellaneous civil application stands allowed. Rule made absolute in terms of prayer clause (B). Miscellaneous civil application stands disposed of.

SUNIL P. DESHMUKH,
JUDGE

pnd