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

MISC. CIVIL APPLICATION NO. 194 OF 2016

Sou. Vimal w/o Vishnu Rathod,
Age: 25 years, Occ: Household,
R/o. C/o Ravji Tukaram Pawar,
Sonar Galli, Padampura,
Aurangabad, Tq. & Dist. Aurangabad. ..APPLICANT

VERSUS

Vishnu s/o Maroti Rathod,
Age: 28 years, Occ: Agri.,
R/o. Dattawadi Tanda,
Tq. Gangakhed, Dist. Parbhani. ..RESPONDENTS

Mr V.B. Kale, Advocate for applicant;
Mr S.S. Deshmukh, Advocate for respondent

CORAM : N.W. SAMBRE, J.

DATE : 4th JULY, 2017

ORAL ORDER :

The respondent filed proceedings under Section 9 of the Hindu Marriage Act for restitution of conjugal rights being Misc. Application No. 98 of 2015, of which, transfer is sought from the Court of Civil Judge, Senior Division, Gangakhed to the Court of Civil Judge, Senior Division, Aurangabad,.

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2. The issue of convenience of wife and hardship faced by her is pressed into service.

3. The claim is opposed on the ground that the respondent is in possession of residential certificates of the applicant certifying that she is resident of Devkatwadi, Taluka Gangakhed, District Parbhani.

4. The certificates as are placed on record, in my opinion, creates serious doubt, as the certificates bear photograph of the applicant. Admittedly, the applicant has not applied for such issuance of residential certificates but it is the respondent, perhaps who has supplied photograph and obtained certificates of residence, which at this stage are not believed and discarded.

5. Considering the convenience and hardship of the applicant, Misc. Civil Application, in my opinion, needs to be allowed in terms of prayer

(3)

clause (B).

6. Misc. Civil Application stands allowed in
above terms.

(N.W. SAMBRE, J.)

Tupe