

4. The Applicant then lodged a complaint against the Respondent and his family members at Ozar Police Station under sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code and accordingly, FIR was filed.
5. On 04.07.2012, the Applicant filed Petition under Section 125 of the Code of Criminal Procedure before the Learned Judicial Magistrate First Class at Pimpalgaon, Niphad (Nashik) for maintenance, against the Respondent.
6. The Respondent thereafter filed Petition seeking restitution of conjugal rights under section 9 of the Hindu Marriage Act in the Family Court at Thane being Petition No.168 of 2014 on 05.05.2014.
7. It is submitted on behalf of the Applicant that she is residing at her parental home at Pimpalgaon, Niphad, Dist. Nashik with her minor daughter Gargi and the financial condition of her parents is not sound. It is submitted that the Respondent is economically sound. He is working with Life Insurance Corporation of India at Thane and he also has agricultural land at Dindori and Nashik. It is submitted that the Respondent is regularly attending the matters filed by the Applicant, that is the complaint under section 498-A of the Indian Penal Code and the maintenance Petition under Section 125 of Cr.P.C. and Petition bearing No.132/12 before the Learned Judicial Magistrate First Class at Pimpalgaon, Niphad. The distance between Village : Ozar Township, Tal. Niphad, District Nashik and the Family Court, Thane is about 230 to 250kms. The Applicant is required to travel for six to seven hours to attend the matter before the Family Court at Thane. It will, therefore, be very difficult for the

Applicant undertake such a long journey alongwith her minor child as well as an escort. It is therefore, submitted that the above Application be allowed.

8. On 05.06.2017 when the above application was called out, this Court adjourned the above Civil Application to 09.06.2017. Again on 09.06.2017, the matter was adjourned to 13.06.2017 for final disposal. Today the above Application is taken up for final disposal. The Advocate for the Respondent has submitted that if the Application seeking restitution of conjugal rights filed by him before the Family Court, Thane is transferred to the Court of the learned Judicial Magistrate First Class at Pimpalgaon, Taluka – Niphad, District – Nashik, it will cause grave hardship and inconvenience to him.

9. I have perused the facts and I have considered the submissions as advanced on behalf of the Appellant. The Applicant is residing with her parents and a minor daughter aged about 6 years at Pimpalgaon, Taluka Niphad, Nashik. The distance between Taluka Niphad, Nashik and Thane is about 230 to 250kms. (one way). The Applicant will have to undergo a journey of 12-14 hours (to and fro) whenever the matter is placed on board before the Family Court at Thane. This will cause grave inconvenience and hardship to her as well as her minor child. As against this, the Respondent is admittedly attending the proceedings filed by the Applicant before the Court of Learned Judicial Magistrate First Class at Pimpalgaon, Taluka – Niphad, District – Nashik. Therefore, it would be in the interest of justice to allow the above Misc. Civil Application as prayed. Hence, the following order :

- (a) The Marriage Petition being No.A-168 of 2014 filed by the Respondent-husband is directed to be transferred from the Family Court at Thane to the Family Court at Nashik.
 - (b) The Family Court at Thane is directed to transmit the papers and proceedings of Marriage Petition No.A-168 of 2014 to the Family Court at Nashik.
 - (c) The parties as well as the Family Court at Thane and the Family Court at Nashik to act on an authenticated copy of this Order ;
 - (d) The parties and / or their Advocate shall appear before the Family Court at Nashik on 20th July, 2017 at 11.00 a.m. and obtain appropriate orders.
10. The Miscellaneous Civil Application is allowed in the aforesaid terms, with no order as to costs.

(S.J.KATHAWALLA, J.)