

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO.122 OF 2019

Sana w/o Noormohammed Tamboli

Applicant

Versus

Noormohammad Abdul Raheman Tamboli
and others

Respondents

Mr.H.V.Tungar, advocate for the applicant.

CORAM : ROHIT B. DEO, J.

DATE : 28th January, 2020.

P.C. :

1 This application is preferred for transferring Regular Civil Suit No.07 of 2017, instituted by the non applicant-husband for restitution of conjugal rights, from the file of Civil Judge, Junior Division, Niphad to the Civil Judge, Junior Division, Beed.

2 I have heard Shri Tungar, learned Counsel for the applicant. None appears on behalf of the non applicant. The averments made in the application have gone uncontroverted and unchallenged in the absence of an affidavit in response.

3 The applicant is presently residing at Beed at her parental home. The applicant states that from the wedlock with

the non applicant, two children are born who are 6 years and 4 years old respectively, and are residing with the applicant.

4 The applicant further states that on 26.07.2016, she lodged FIR in the Peth Beed Police Station and charge sheet is duly submitted in the Court of Judicial Magistrate, First Class, Beed. It is averred in the application that the non applicant is attending the proceedings in the said prosecution.

5 The applicant states that she has also initiated proceedings under Section 125 of the Criminal Procedure Code, which are pending in the Court of Judicial Magistrate, First Class, Beed. The proceedings have also been attended by the non applicant-husband.

6 In paragraph no.6 of the application, the applicant has spelt out the logistical difficulties which would make it extremely inconvenient to attend the proceedings instituted by her husband at Niphad.

7 Considering, that the averments in the application have gone unchallenged, I am satisfied that a case is made out for allowing this application in terms of prayer clause (B), which

reads thus:

“[B] The proceedings of RCS No.07/2017 for restitution of conjugal rights may kindly be withdrawn from the file of Civil Judge, Junior Division at Niphad and the same may kindly be transferred to the Court of Civil Judge, Junior Division at Beed, for its disposal in accordance with law.”

8 The application is allowed in aforestated terms.

**ROHIT B. DEO
JUDGE**

adb