

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

MISC. CIVIL APPLICATION NO. 141 OF 2018

Chaitali W/o. Sachin Pawar, ...APPLICANT
Age-26 years, Occu-Service,
R/o. B-wing-1804, Rushi Heights,
Riddhi Garden, Goregaon (E),
Mumbai

VERSUS

Sachin S/o. Sheku Pawar, ...RESPONDENT
Age-29 years, Occu-Service,
R/o. House No.8, Abhinandan Colony,
Itkheda, Tq. & Dist. Aurangabad

Mr. Ravindra B. Ade, Advocate for the applicant
Mr. Waseem Khan, Advocate h/f Mr. R. V. Gore, Advocate for respondent

CORAM : N. J. JAMADAR, J.

DATE : 08-03-2021

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. This is an application under Section 24 of the Code of Civil Procedure for transfer of marriage petition No. A-482/2017 from the Family Court, Aurangabad to Family Court, Bandra Mumbai.

2. The material averments in the application can be stated in brief as under:-

a. The marriage of the applicant was solemnized with respondent on 28-02-2017 at Solapur. Soon disputes arose between the applicant and respondent. Alleging certain acts of commission and omission, the respondent has preferred a petition for restitution of conjugal rights, being Marriage Petition No. A-482/2017, before the Family Court, Aurangabad. The applicant, a young lady of 26 years, is employed as an engineer with L & T company, Mumbai. Distance between Mumbai and Aurangabad is more than 500 km. The applicant, thus, finds it extremely difficult to attend the proceeding before the Family Court Aurangabad and effectively defend the same. In fact, the respondent also claims to be serving as an engineer in Morgan Stanley Company, Mumbai. Thus, no prejudice would be caused to the respondent in the event the marriage petition is transferred to the court at Bandra, Mumbai.

2. An affidavit-in-reply is filed by respondent. It is contended that just to give a counter blast to the proceeding instituted by the respondent, the applicant has filed this application making false allegations. Since the applicant is gainfully employed, no inconvenience would be caused to her in attending the proceeding at Aurangabad. Taking undue advantage of being a female, the applicant has preferred this application with an ulterior motive. Thus, respondent prayed for rejection of the application.

3. Heard learned counsel for the applicant and learned

counsel for the respondent.

4. Evidently, within a very short span of marriage the applicant and respondent have turned astray. The marital discord has led to institution of proceeding for restitution of conjugal rights by the respondent. In the affidavit in lieu of examination-in-chief, in the said petition NO. A-482/2017, a copy of which is annexed to the instant application, there are categorical averments that both the applicant and respondent are educated and engineer by profession. The applicant works with L & T company, Mumbai. The respondent also works with Morgan Stanley Company, Mumbai.

5. In the backdrop of the said affirmation, the claim of the applicant that the respondent is also based at Mumbai gains credence. Indisputably, distance between Mumbai and Aurangabad is more than 400 km. In the circumstances, the prayer for transfer of the proceeding from Family Court, Aurangabad to Family Court at Bandra, Mumbai is wholly justifiable. No prejudice whatsoever would be caused to the respondent.

6. Thus, I am inclined to allow the application. Hence, the following order.

ORDER

- i. The application stands allowed.

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ii. The marriage petition No. A-482/2017 pending on the file of Family Court, Aurangabad stands transferred to the Family Court, Bandra, Mumbai.

iii. The parties shall appear before the Family Court, Bandra, Mumbai on 27-04-2021.

iv. The application stands disposed of.

[N. J. JAMADAR, J.]

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