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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO. 115 OF 2021**

Swati Vishal Ugale Alias Swati Laxman Dhumal ...Applicant

Versus

Vishal Nivrutti Ugale ...Respondent

Ms. Savita Yadav, for the Applicant.

Ms. Asha Landge, for the Respondent.

CORAM: Smt. Bharati Dangre, J.

DATED: 6th December 2021

P.C.:-

1. The Applicant-wife has sought transfer of the proceedings filed by the Respondent-husband seeking restitution of conjugal rights in the Court of Civil Judge Senior Division, Sangamner to the Family Court at Bandra. The ground set out in the application is that the proceedings pose inconvenience to her.

2. The marriage between the Applicant and the Respondent was solemnized in May 2018 and on account of

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the differences between them, the Applicant is staying with her parents. The Respondent-husband filed Petition under Section 9 of the Hindu Marriage Act, 1955 seeking restitution of conjugal rights which is sought to be transferred.

An admitted position is that the Respondent-husband is staying at Sangamner and though it is submitted that at some point of time since he was engaged in some private job in Mumbai he was residing in Mumbai when the parties cohabited together. However, when he lost his job, he has chosen to return to his place of origin, i.e. Sangamner as the Counsel for the Respondent submit that he cannot afford to stay in Mumbai. The submission of the Counsel for the Applicant that the sister and brother-in-law of the Respondent-husband are staying in Thane, therefore, it is convenient for him to attend the proceedings in Family Court at Bandra is no justification.

3. Any man is surely expected to have his own self-esteem and if he choose not to stay with his sister, who stays in Thane, that is his choice. The Applicant state that she is working with an NGO, which is a job on temporary basis and, therefore, merely saying that it will pose her inconvenience can be no ground to transfer the proceedings. The principle involved is *dominus litis* and since the husband who reside in Sangamner has filed the proceedings in Sangamner, I see no

reason to entertain the Application.

4. The Application is rejected.

(Smt. Bharati Dangre, J.)