

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

948 MISC.CIVIL APPLICATION NO.45 OF 2020

**GAURI RAM SHAHANE
VERSUS
RAM SUNIL SHAHANE**

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Advocate for Applicant : Mr. Kothari Pratik P.

CORAM : MANGESH S. PATIL, J.
DATE : 14.06.2022.

PER COURT :

Heard.

2. The wife is seeking transfer of a restitution of conjugal rights proceeding initiated by the husband from the Court at Vadgaon Maval, District Pune to the Family Court at Ahmednagar on following grounds :

(a) The applicant is a woman. She has been residing at Ahmednagar. She has instituted a proceeding under the Protection of Women from Domestic Violence Act and a proceeding under Section 125 of the Code of Criminal Procedure against the husband in the Courts at Ahmednagar.

(c) The respondent-husband has to even otherwise attend those two proceedings by coming down to Ahmednagar.

(d) The applicant's parents are residing with her.

(e) Lodging of non cognizable reports in respect of various incidents against the husband.

3. All these grounds being put forth have not been controverted by the respondent since he has been served with a notice for final disposal

but still has not turned up.

4. There are catena of decisions of the Supreme Court in respect of the approach of this Court in deciding such proceeding under Section 24 of the Code of Civil Procedure when it is a matrimonial dispute.

5. The Application is allowed. The Marriage Petition No. 1836/2019 pending on the file of the Civil Judge Junior Division Wadgaon Maval Dist. Pune is transferred to the Family Court at Ahmednagar for its decision in accordance with law.

6. All the Courts taking up different matters between the parties at Ahmednagar including the matter to be transferred shall see to it that as far as possible all these matters are listed on the same dates.

(MANGESH S. PATIL, J.)

mkd/-