

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

943 MISC.CIVIL APPLICATION NO.173 OF 2021

DEEPALI DATTATRAY KHOMANE
VERSUS
DATTATRAY SUBHASH KHOMANE

...
Advocates for Applicant : Mr. Sandip S. Nikam
and Mr.Jaware Vishnu M. (consent Obtained)

...
CORAM : SANDIPKUMAR C. MORE, J.

DATE : 29.09.2022

PER COURT :

Heard learned counsel for the applicant -wife.

2. None is present on behalf of respondent despite the order dtd. 19.09.2022, by which, this Court has fixed the matter for final hearing today.

3. The applicant -wife is seeking transfer of Petition No. A-1667/2019 and Petition No. D-10/2020 filed by the respondent- husband at Family Court, Pune, for respective reliefs of restitution of conjugal rights and custody of child. Though the respondent has opposed the application by filing reply, but it appears that the applicant -wife has also filed three proceedings at Aurangabad against the respondent -husband. One is D. V. proceeding bearing No. PWDVA No.12/2020 pending before the Judicial Magistrate First Class, Aurangbad, second is RCC No. 264/2021 under Section 498-A and others of Indian Penal Code and third one is E-Petition No.147/2022 pending with the Family Court, Aurangabad for getting maintenance under

Section 125 of the Code of Criminal Procedure. Further, it is also aggrieved that the applicant is having two children, who are studying at Aurangabad.

4. The learned counsel for the applicant submits that the respondent has already appeared in some of the proceedings lodged by the wife at Aurangabad. As such, considering the distance between Pune and Aurangabad, it would be difficult for applicant -wife to attend the dates of proceedings filed by the respondent -husband at Family Court, Pune. Therefore, taking into consideration the convenience of applicant -wife following order is passed :

ORDER

- (i) The application is hereby allowed.
- (ii) The Petition No.A-1667/2019 and Petition No.D-10/2020 filed by the respondent -husband at Family Court, Pune for respective reliefs of restitution of conjugal rights and custody of child are hereby transferred to Family Court, Aurangabad for its simultaneous disposal along with Petition No. E-147/2022 pending therein.
- (iii) The application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE