

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

921 MISC.CIVIL APPLICATION NO.165 OF 2021

**RUPALI AKASH AVHAD
VERSUS
AKASH SUDAM AVHAD**

...
Advocate for Applicant : Mr. S. Subhedar h/f Mr.N. S. Ghanekar
Advocate for Respondent : Mr.Ajinkya G. Barke
...

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 02.12.2022.

PER COURT :

1. Heard rival submissions.
2. The applicant wife is seeking transfer of petition No. A-440 of 2020, which has been filed by the respondent husband for getting divorce from the family Court Nashik to Family Court Ahmednagar. The respondent strongly opposed the application by filing reply contending that the petition for restitution of conjugal rights filed by the applicant, initially to the Court of C.J.S.D. Ahmednagar, but subsequently it is transferred to the family Court Ahmednagar. He contended that on one hand, the applicant is filing petition for restitution of conjugal rights and on the other hand she is claiming in the petition itself that it is not safe for her to travel at Nashik due to fearful conduct of the respondent. Further it is

contended that the respondent is driver by profession therefore, it is difficult for him to attend the dates of his petition if transferred as claimed by the applicant. The respondent has shown readiness to bear the necessary expenses of the applicant, if she attends the dates at Nashik.

3. The learned counsel for the applicant submits that the father of the applicant is no more and there is only old aged mother of the applicant residing at Ahmednagar. He further submits that there are no relatives of the applicant at Nashik and due to absence of any monetary source the applicant cannot attend dates at Nashik. Moreover, she is also feeling unsafe to attend the dates at Nashik, due to behaviour of the respondent.

4. Admittedly, the distance between Nashik and Ahmednagar is not such that the applicant cannot travel for attending the dates at Nashik. However, there is no one to accompany her since her mother is old aged. Her father is also no more and she is not having any independent source of income. Moreover, she has filed petition for restitution of conjugal rights at Family Court at Ahmednagar and therefore, it would be proper if both the petitions are dealt by one and same Court. Further the convenience of the wife in transfer cases is to be seen primarily. In view of the same, following order is passed.

ORDER

- i) The application is hereby allowed.
- ii) The Marriage Petition No. A-440 of 2020 is hereby transferred from the family Court, Nashik to the Family Court, Ahmednagar for its simultaneous disposal along with the petition filed by the applicant pending therein, according to law.
- iii) The respondent is directed to appear before the Family Court Ahmednagar on or before 02.01.2023.
- iv) The application is accordingly disposed of.

**(SANDIPKUMAR C. MORE)
JUDGE**

mahajansb/