

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

MISC. CIVIL APPLICATION NO. 121 OF 2022

Rekha w/o Narba @ Naresh Yamgar

Applicant

Versus

Narba @ Naresh s/o Sakharam Yamgar

Respondent

Mr. S. S. Jangada, advocate holding for Mr. Sachin Deshmukh,
advocate for the Applicant

Mr. Avinash M. Reddy, advocate holding for Mr. Avinash Phad,
advocate for the Respondent.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 21st October, 2022.

PC :

1 Heard learned Counsel for respective parties.

2 The applicant-wife is seeking transfer of HMP No. 127 of 2018 filed by respondent-husband for restitution of conjugal rights in the Court of Civil Judge, Senior Division, Ambejogai, to the Family Court at Parbhani.

3 The learned Counsel for the applicant-wife submits that the wife has already filed Petition under Section 125 of the Code of Criminal Proceedings in Family Court at Parbhani, wherein

respondent-husband has appeared. He pointed out that the applicant is having two sons and one out of them is physically disabled. As such, considering the inconvenience of the wife, the aforesaid petition can be transferred to Family Court at Parbhani.

4 On the contrary, learned Counsel for the respondent-husband has strongly opposed the submissions made on behalf of the applicant-wife. He pointed out that the proceeding, which is sought to be transferred in this application, has been lodged in the year 2018 itself and the applicant-wife has already appeared in the said matter and now she is taking active part in those proceedings. Further, it is also not in dispute that the respondent-husband is paying maintenance amount to the applicant-wife as per the order granting interim maintenance of Rs.6000/- per month to the applicant and her sons. The learned Counsel for the respondent-husband has fairly submitted that the respondent would provide conveyance charges to the tune of Rs.2000/- per date to the applicant-wife if she has to attend the dates at Ambejogai.

5 It is significant to note that the applicant-wife is taking active part in the proceeding at Ambejogai. Moreover, she is also getting certain maintenance amount by way of order of granting

interim maintenance. Further, the respondent is also ready to bear the travelling expenses of the applicant-wife. The distance between Ambejogai and Parbhani is only around 100 Kms. As such, I am not inclined to accept the prayer of the applicant-wife in this application.

6 Hence, following order is passed:

(i) The Misc. Civil Application is hereby rejected with direction to the respondent-husband to provide amount of Rs.2000/- (Rs. Two thousand) per date to the applicant-wife, being the conveyance charges for attending dates of HMP No. 127 of 2018 at Ambejogai, well in advance.

(ii) Misc. Civil Application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb