

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

MISC.CIVIL APPLICATION NO.143 OF 2021

GAJANAN @ MOTIRAM KACHRU SHINGANE
VERSUS
SUNITA GAJANAN @ MOTIRAM SHINGANE

WITH
MISC. CIVIL APPLICATION NO.54 OF 2021

SUNITA GAJANAN @ MOTIRAM SHINGANE
VERSUS
GAJANAN @ MOTIRAM KACHRU SHINGANE

...
Advocate for the husband : Shri Mahesh K. Bhosale
Advocate for the wife : Shri M.L. Wankhade
...

CORAM: SMT. BHARATI H. DANGRE, J.

DATE :- 24th February, 2022

Per Court:

1. Two cross applications seek transfer of proceedings filed by the husband and wife to their respective place of residence.
2. The marriage between the parties was solemnized on 12.05.2016 and out of the wedlock, a daughter is born. Since the parties could not maintain cordial relationship, it resulted in institution of distinct proceedings. The wife filed Petition No.2/2020 in the Family Court at Buldhana whereas, the husband filed HMP No.A-2/2021 in the Family Court at Jalna.

3. The learned counsel for the husband, who seeks transfer of the proceedings filed by the wife to Jalna, submits that on earlier occasion, the husband had filed Petition No.1/2020 for restitution of conjugal rights, which was granted on 27.10.2020, but the wife refused to abide by the said decree and now, the wife has instituted the petition for restitution of conjugal rights.

Per contra, the learned counsel for the wife, who seeks transfer of the proceedings filed by the husband from Jalna to Buldhana, submits that she has a small child, aged six years and with this child, it will be difficult for her to take journey to Jalna, which is approximately at a distance of 130 kilometers one way. Inconvenience in undertaking journey with a little child in arms, is the ground which the wife has posed for seeking transfer of the proceedings filed by the husband from Jalna to Buldhana.

4. The husband has not made out any ground for permitting the transfer whereas, inconvenience caused to the wife is a justifiable ground for allowing the application filed by the wife. As a consequence, Misc. Civil Application No.54/2021 filed by the wife, is allowed and HMP No.A-2/2021 filed by the husband in the Family Court at Jalna, stands transferred to the Family Court at Buldhana where, Petition No.2/2020 filed by the wife seeking restitution of conjugal rights is pending. Misc. Civil Application No.143/2021 filed by the husband is rejected.

The Presiding Judge of the Family Court at Buldhana is requested to assign both the petitions preferably to the same Judge so that conflicting orders can be avoided and time which would be consumed in deciding two petitions, can be saved.

kps

(SMT. BHARATI H. DANGRE, J.)