

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

MISC. CIVIL APPLICATION NO.150 OF 2021

NAMRATA MANOJ SUTAR
VERSUS
MANOJ CHANDRAKANT SUTAR

...
Advocate for the Applicant : Shri Kishore Sant
Advocate for the Respondent : Shri D.V. Tele
...

CORAM: SMT. BHARATI H. DANGRE, J.

DATE :- 27th January, 2022

Per Court:

1. Heard the learned counsel Shri Sant for the applicant and the learned counsel Shri Tele for the respondent.
2. This Misc. Civil Application is filed by the wife under Section 24 of the Code of Civil Procedure seeking transfer of HMP No.87/2021 instituted by the respondent/ husband in the Court at Ambajogai, District Beed, seeking restitution of conjugal rights.
3. By inviting my attention to Section 19 of the Hindu Marriage Act, Shri Sant would submit that the proceedings would not lie in the Court of the learned Civil Judge, Senior Division, Ambajogai in the wake of the fact that the husband himself has shown his residence as Pune and the wife is residing at Satara.

Upon such submission being advanced, Shri Tele submits that

the husband is presently residing at Vida, Taluka Kaij, District Beed and therefore, the Court at Ambajogai is competent to entertain the dispute.

4. Section 19 of the Hindu Marriage Act, which determines the jurisdiction of the Court where the proceedings can be instituted in the form of a petition, would not cover Vida, District Beed where the petitioner is residing as it is not the place either where the marriage was solemnized or the parties lastly resided together or the respondent/husband at the time of the petition, resided. It is also not the place of residence of the wife.

5. In the aforesaid circumstances, by granting liberty to the applicant to raise an objection about the jurisdiction of the Court at Ambajogai and by further directing the Court to decide the objection on merits, within a period of eight weeks from being raised, by affording opportunity to both sides, this Misc. Civil Application is disposed of. However, liberty is reserved to the applicant to renew the application in case the order is passed against her.