

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

MISC. CIVIL APPLICATION NO. 154 OF 2021

Savita Suresh Pandit

...Applicant

Versus

Suresh Jalbajaji Pandit

...Respondent

.....

Mr. P. M. Gaikwad & Mr. R. M. Gaikwad, Advocate for the applicant
Mr. M. V. Thorat, Advocate for respondent

.....

**CORAM : PRITHVIRAJ K. CHAVAN, J.
RESERVED ON : MARCH 7TH, 2022
PRONOUNCED ON : MARCH 10TH, 2022**

PER COURT : -

1. This is an application under Section 24 of the Code of Civil Procedure filed by the applicant/wife seeking transfer of HMP No. 90/2020 for restitution of conjugal rights from the Court of Civil Judge Senior Division, Nanded to Civil Judge Senior Division, Parbhani.

2. The marriage of the applicant and the respondent took place on 03.07.2017 at Purna, Dist. Parbhani. It is contended by the applicant that after the marriage, the relations were cordial for

sometime, however, thereafter the parents of the respondent forced the applicant to go for agricultural and labour work for which she was not accustomed. She was physically and mentally weak and, therefore, was unable to work in the field.

3. It is contended that the respondent and his parents used to abuse and pass insulting remarks. The applicant conceived and had a child in her womb. However, there was no proper care as she had not been provided with medical help by the in-laws. Ultimately, the pregnancy had to be terminated.

4. It is further alleged by the applicant that the respondent used to suspect her fidelity and used to persistently harass and torture her on that ground. The applicant has also filed a report against the respondent at Police Station, Purna on 20.12.2018.

5. Since the applicant has no independent source of income and as she is unable to maintain herself, she has filed a proceeding under the Domestic Violence Act bearing No. 9/2020 and Criminal Application No. 178/2020 before the learned Judicial Magistrate First Class, Purna, on 22.09.2020.

6. It is contended that only to harass the applicant, the respondent has filed the aforesaid petition for restitution of conjugal rights in the court of Civil Judge Senior Division, Nanded, so that the applicant can be unnecessarily troubled physically, mentally and economically. As such, the applicant has prayed for transfer of the petition from Nanded to Parbhani.

7. I have heard the learned Counsel for the applicant and the respondent for a considerable time. At the outset, it is apparent from the record that the applicant has filed a complaint with the Police Inspector of Police Station, Purna against the respondent for the alleged ill-treatment and harassment. Before that, one more complaint was filed by father of the applicant with the Police Station, Purna, alleging that his daughter was subjected to physical and mental cruelty by the respondent and his family members. There are several allegations levelled against the respondent not only in the complaint to the Police but also in the application filed before the Judicial Magistrate First Class, Purna, under Section 18, 19, 20, 21 and 22 of the Domestic Violence Act.

8. Having gone through the record placed before the Court and after hearing the learned Counsel for the parties, it would be in

the interest of justice to grant the prayer of the applicant as the applicant being hapless and helpless woman residing at the mercy of her parents would not afford to go to Nanded from Purna to attend the HMP. Consequently, the following order is passed.

ORDER

- [i] The application is allowed.
- [ii] The HMP No. 90/2020 shall stand transferred from the Court of Civil Judge Senior Division, Nanded to the court of Civil Judge Senior Division, Parbhani, for disposal in accordance with law.
- [iii] All the matters between the applicant and respondent shall be fixed on a common date by the concerned Courts in order to facilitate the respondent to attend the matters on a given date.
- [iv] Application is accordingly disposed off.

[PRITHVIRAJ K. CHAVAN]
JUDGE