

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

MISC.CIVIL APPLICATION NO.163 OF 2021

**PRAJAKTA MADHAVRAO JAMDADE
VERSUS
SACHIN VITTHAL THOMBRE**

. . .

Advocate for Applicant : Mr. Menezes Joslyn A.
Advocate for Respondent sole : Mr. Rahul D. Khadap

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CORAM : MANGESH S. PATIL, J.

DATED : 15 JULY 2022

PER COURT :

This is a proceeding under section 24 of the Code of Civil Procedure.

2. I have heard the learned advocates of both the sides.
3. The applicant - wife is seeking transfer of a restitution proceeding initiated by the respondent – husband and pending on the file of Civil Judge Senior Division, Gangakhed to the Family Court at Aurangabad.
4. Admittedly, there is no dispute about the fact that after the matrimonial dispute the applicant has come back to her parental home at Aurangabad. She has also filed a proceeding for annulment of marriage which

is going on in the Family Court at Aurangabad. She has also lodged the F.I.R. under section 498A and 420 etc. of the Indian Penal Code in a police station at Aurangabad. Apparently, it is thereafter that the respondent has initiated a proceeding for restitution.

5. Though it has been mentioned in the affidavit-in-reply that the father of the applicant is ex-policeman and at his instance her mother was extended threats and a non-cognizable report was filed, except his bare version that there is possibility of physical harm to him if the matter is transferred to Aurangabad, there is no other material.

6. Having considered the aforementioned facts and circumstances, it would be appropriate that the restitution proceeding is transferred from Gangakhed to Aurangabad as prayed for.

7. The application is allowed in terms of prayer clause (B).

8. All the courts taking up different matters between the parties at Aurangabad shall, as far as possible, list all these matters on the same date.

9. Parties shall appear before the Family Court at Aurangabad on 06.08.2022.

(MANGESH S. PATIL, J.)

Tandale/-