

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

992 MISC.CIVIL APPLICATION NO.227 OF 2022

**POOJA JAYPAL KABRE
VERSUS
JAYPAL CHANDUSINGH KABRE**

...
Advocate for Applicant : Mr. Darandale Ganesh P.

...

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 10.11.2022

PER COURT :

Heard learned counsel for the applicant. The respondent - husband despite service remained absent.

2. The applicant is seeking transfer of HMP No. 98/2022 filed by the respondent -husband for restitution of conjugal rights in the Court of Civil Judge Senior Division, Ambajogai to the Court of Civil Judge Senior Division, Niphad, Dist.Nashik.

3. The record shows that applicant -wife has also filed proceedings under Protection of Women from Domestic Violence Act, 2005 against the respondent -husband in the Court of concerned Magistrate at Yeola, Dist. Nashik. The respondent -husband is yet to

appear in that proceeding. Besides one criminal prosecution under Section 498-A of the Indian Penal Code at the instance of applicant is also lodged in Yeola City Police Station against the respondent - husband. In view of the same, the respondent -husband is required to appear at least before the concerned Magistrate at Yeola.

4. Further, the record shows that the applicant -wife is not having any independent source of income and one daughter aged about 2 years is also residing with her. Considering all these aspects and convenience of the applicant -wife, following order is passed :

ORDER

1. The application is hereby allowed.
2. The Hindu Marriage Petition No. 98/2022 pending in the Court of Civil Judge Senior Division, Ambajogai is hereby transferred to Civil Judge Senior Division, Niphad, Dist. Nashik for disposal according to law.
3. The application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

.....

shp/-