

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

MISC. CIVIL APPLICATION NO. 202 of 2019

Shubhangi Swapnil Pacharne

...Applicant

Versus

Swapnil Bajirao Pacharne

...Respondent

.....
Mrs. Suvarna M. Zaware, Advocate for the applicant
.....

CORAM : BHARATI H. DANGRE, J.

DATE : JANUARY 20TH, 2022

PER COURT : -

1. Heard the learned Counsel for the applicant, who seek transfer of the proceedings filed by the respondent-husband in the Family Court at Ahmednagar to the court of Civil Judge Senior Division, Niphad.

2. The respondent-husband though served with notice, failed to put an appearance. On 25.11.2021, this Court issued a fresh notice for final disposal and even this notice was served upon him.

3. Today when the application is called out, he preferred to remain unrepresented.

4. The marriage between the applicant and the respondent-husband was solemnized in the year 2015 but soon, since they fell apart, the husband instituted proceedings before the Family Court at Ahmednagar in the form of HMP No. 67/2019 for restitution of conjugal rights. The applicant continue to stay with her parents in taluka Niphad, Dist. Nashik. The respondent is residing in Ahmednagar and engaged in business. Out of the wedlock, a daughter is born in the year 2018 and she is barely three years old as on date.

5. The applicant/wife has sought transfer of the proceedings filed by the husband in the Family Court at Ahmednagar to the court of Civil Judge Senior Division, Niphad, on the ground of inconvenience projected by her on account of the journey required to be undertaken by her to travel to Ahmednagar from Niphad, which is located at a distance of approximately 164 kilometers one way and with a little girl in her lap, it would pose severe difficulties for her to undertake journey. On the other hand, it is submitted that the proceedings which she had filed in the court at Niphad under the Domestic Violence Act are attended by the husband regularly and it will pose no inconvenience to him, if he attend the proceedings on it's transfer to the court of Civil Judge Senior Division, Niphad.

6. On hearing the learned Counsel for the applicant and on perusal of the application, in absence of the Counsel for the respondent I am satisfied with the inconvenience of the wife demand that the proceedings be transferred to the court of Civil Judge Senior Division, Niphad, on account of the young daughter which she is taking care of and the difficulty projected by her in undertaking the journey along with the daughter particularly in the time of Covid-19 pandemic. Since the allegations in the application are uncontroverted by the respondent-husband by putting no appearance, they are accepted to be the true and correct depiction of facts.

7. In the wake of the aforesaid, the Misc. Civil Application is allowed in terms of prayer clause 'B', which reads thus :

"B. The Hindu Marriage Petition No. 67/2019 may kindly be transferred from the family court Ahmednagar to Civil Judge Senior Division, Nifad."

8. The learned Family Court at Ahmednagar is directed to forthwith transmit the proceedings of HMP No. 67/2019 to the court of Civil Judge Senior Division, Niphad.

9. The Misc. Civil Application is accordingly disposed off.

[BHARATI H. DANGRE]
JUDGE