

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

977 MISC. CIVIL APPLICATION NO.246 OF 2021

MANJUSHA SUNIL SORNAR
VERSUS
SUNIL RANGHU SURNAR

...
Advocate for Applicant : Mr. Deshmukh Amol T.
Advocate for the respondent : Mr. S.R. Bagal h/f. Mr. B.N. Gadegaonkar
...

CORAM : MANGESH S. PATIL, J.

DATE : 13 JULY 2022

PC :

The applicant is the wife of the respondent. Because of the matrimonial dispute they are separate. He is a Forest Guard posted at Chandrapur. She is staying with her parents at Palam, District - Parbhani. She is now seeking transfer of her proceeding for restitution of conjugal rights initiated by him and pending at Chandrapur, to the Court of Civil Judge Senior Division at Gangakhed.

2. I have heard learned advocates of both the sides.

3. Admittedly, the respondent has filed the proceeding for restitution at Chandrapur and has also initiated a proceeding for custody of the child in the Court at Gangakhed. She has also initiated couple of proceedings; one under the Protection of Women from Domestic Violence Act, 2005 and another under section 125 of the

Code of Criminal Procedure which are pending at Palam. It is informed by the advocates across the bar that distance between Gangakhed and Palam is less than 20 Km.

4. True it is that the respondent being a Forest Guard has been serving in Chandrapur district, however, simultaneously, one cannot overlook the fact that the applicant is a woman with a 9 year old daughter and a home-maker having no source of income. It would certainly be more strenuous for her to defend the proceeding for restitution by commuting between Palam and Chandrapur which places are more than 350 Km apart.

5. The respondent even otherwise must be coming down to Gangakhed to prosecute his application seeking custody of the girl child and even for defending the other proceedings initiated by the applicant.

6. Consequently, it would be appropriate to transfer the restitution proceeding from Chandrapur to Gangakhed with a further direction to the Courts taking up the matters between the parties including the one being transferred at Gangakhed and other at Palam, to take all the matters between the parties on the same day as far as possible.

7. The application is allowed.

8. The matter is transferred to the Court of Civil Judge Senior Division at Gangakhed. The parties shall appear before the said Court on 11 August 2022. All The Courts taking up the matters between the parties at Gangakhed and at Palam shall as far as possible list the matters on the same day.

[MANGESH S. PATIL]
JUDGE

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