

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

954 MISC.CIVIL APPLICATION NO.253 OF 2021

RUPKAUR GANESH DHOBHAL
VERSUS
GANESH SHIVSING DHOBHAL

...

Advocate for Applicant : Mr. Narwade Narayan B.

Advocate for Respondent : Mr. Sapkal Sandip R.

CORAM : MANGESH S. PATIL, J.

DATE : 14.06.2022.

PER COURT :

I have heard the learned advocates of both the sides and perused the papers including the reply.

2. The applicant is the respondent's wife, seeking transfer of restitution of conjugal rights proceeding lodged by him against her and pending in the Family Court at Jalna to the Family Court at Aurangabad.

3. Learned advocate Mr. Narwade for the applicant submits that the applicant being a woman, this Court should lean in her favour and take a decision so that any hardship likely to be caused to her is avoided. He places reliance on following decisions :

(i) *Renu Gautam Vs. Vinod Gautam;*

A.I.R. 2000 SC 3405.

(ii) *Mona Aresh Goel Vs. Aresh Satya Goel;*

A.I.R. 2000 SC 3512.

(iii) *Anjali Ashok Sadhwani Vs. Ashok Kishinchand*

Sadhwani; in Transfer Petition © 829/2007

decided on 5.12.2008.

(iv) *Reena Mehra Vs. Rohit Rai Mehra & Anr; in*

Transfer Case (Civil) 20/2002, decided on 24.01.2003.

(v) *Vennangot Anuradha Samir Vs. Vennangot Mohandas Samir; (2015) 16 SCC 596.*

(vi) *Smt. T. Gayatri Devi Vs. Dr. Tallepaneni Sreekanth, 2014 (133) AIC 132.*

(vii) *Smita w/o Dhananjay Patil Vs. Dhananjay Krishnakumar Patil, in Misc. Civil Application No. 78/2012, decided on 15.07.2013.*

(viii) *Anita Balkrishna Barge Vs. Balkrishna Sopan Barge, in Misc. Civil Application No. 16/2009, decided on 6.10.2010.*

4. Admittedly except the proceeding for restitution of conjugal rights no proceeding at present is going on between the parties, either at Jalna or at Aurangabad.

5. The respondent is not posted at Jalna but at a place Sindkhed Raja which is further 30 k.m. away from Jalna.

6. Though the couple is blessed with couple of daughters, they are aged 6 and 8 years. The applicant has been staying with her parents. The ground being put forth by her regarding her perception that he may harm her has not been corroborated by any tangible material.

7. The Family Court, Jalna seems to have directed the respondent to send money orders to her. Though the order is vague and does not spell out anything except a direction to send money orders, the respondent has specifically averred in para No. 9 of his reply and even his learned advocate makes a statement that the Family Court has by that order directed him to send the money orders for travelling expenses being incurred by the applicant for attending the proceeding at Jalna.

8. Taking into account the overall conspectus of the matter, there is no sufficient and cogent reason to transfer the matter from Family Court Jalana to the Family Court at Aurangabad. Needless to state that the respondent would be bound by the order dated 26.08.2021 and shall continue to pay her Rs. 1000/- (Rs. One Thousand only) for each date she attends the matter personally at Jalna.

9. The application is rejected. The respondent shall deposit the amount in the Family Court at Jalna and she shall be entitled to claim it.

(MANGESH S. PATIL, J.)

mkd/-