

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

**918 MISC.CIVIL APPLICATION NO.267 OF 2021
SUKANYA ALIAS LATA SANJAY HAMBILE
VERSUS
SANJAY NANDKISHOR HAMBILE**

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Advocate for Applicant : Mr. Milind Sandanshiv & Mr. Hemant D. More
Advocate for Respondent : Mr. Sanjaykumar Chavan, holding for Mr.
A.P. Gunge

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CORAM : PRITHVIRAJ K. CHAVAN, J.,

DATED : 8th MARCH 2022

PER COURT:

1. This is an application under Section 24 of Code of Civil Procedure for transfer of matrimonial proceedings bearing H.M.P No.45 of 2021 from the Court of Civil Judge, S.D., Parbhani to the Court of Civil Judge, S.D., Aurangabad by the applicant-wife, mainly on her medical condition namely she has been suffering from spondylitis.

2. In support, the learned counsel for the applicant has tendered a certificate dated 7th March 2022 by an Orthopedic Surgeon, Dr. Nitin B.Patil. The certificate reveals that the applicant is suffering from Lumbar PFD with lumbar cervical stenosis. The doctor has further noted that the patient advised bed rest and, if not relieved of the pain, she may have to undergo a surgical operation. The certificate further indicates that she was restricted from making long travels.

3. The application seeking transfer of the H.M.P Petition as above from Parbhani to Aurangabad is justified.
4. Even though, the learned Counsel for the respondent-husband objects the prayer on the ground that the respondent has to look after his aged parents, yet, in the give circumstances, the respondent can very well attend the Civil Court at Aurangabad, as and when matter would be fixed for recording the evidence of the respective parties.
5. I do not see any reason to refuse the prayer of the application filed by the applicant-wife under Section 24 of the Code of Civil Procedure.
6. Consequently, the application is allowed.
7. The matrimonial proceedings bearing HMP No.45 of 2021 shall stand transferred to the Court of Civil Judge, S.D., Aurangabad from the file of the Civil Judge, S.D., Parbhani.
8. After transferring the petition let all the Courts dealing with the matters between the applicant and the respondent at Aurangabad, fix matters on common dates in order to facilitate the respondent-husband to attend all the matters on one date.
9. Application stands disposed of in aforesaid conditions.

[PRITHVIRAJ K. CHAVAN, J.]