

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

MISC.CIVIL APPLICATION NO.332 OF 2021

**POOJA HARSHAL PATIL
VERSUS
HARSHAL ASHOK PATIL**

. . .

Advocate for Applicant : Mr. R. B. Narwade Patil
Advocate for Respondent : Mr. R. K. Bhakade

. . .

CORAM : MANGESH S. PATIL, J.

DATED : 08 JULY 2022

PER COURT :

Heard the learned advocates of both the sides.

2. This is a proceeding under section 24 of the Code of Civil Procedure.

3. The applicant is praying for transfer of Hindu Marriage Petition No.257 of 2021 instituted by respondent in a court at Jalgaon for restitution of conjugal rights to a court at Aurangabad.

4. The averments in the application have gone without any demur. The applicant has about three years old daughter. She has been staying at Aurangabad. She has also instituted a proceeding under the provisions of the Protection of Women from Domestic Violence Act, 2005 pending at Aurangabad. It is thereafter that apparently the respondent has instituted the

proceeding for restitution. It would certainly be like putting the applicant to hardship if in spite of being a single mother and her child, she is made to commute between the two places which are around of 150 km apart.

5. As against this, even otherwise, even if the matter is not transferred, the respondent will have to come down to Aurangabad to defend the proceeding under the Domestic Violence Act. By taking care that he does not face hardship, the matter for restitution can easily be transferred from Jalgaon to Aurangabad.

6. The application is allowed.

7. The proceeding bearing Hindu Marriage Petition No.257 of 2021, pending in the court of Civil Judge Senior Division at Jalgaon is transferred to the Family Court at Aurangabad.

8. The parties shall appear before the Family Court at Aurangabad on 30-07-2022 and there shall be no need for that court to issue any notice to them.

9. All the courts taking up different matters between the parties at Aurangabad, shall, as far as possible, list all these matters on the daily cause list on the same date.

(MANGESH S. PATIL, J.)