

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

957 MISC.CIVIL APPLICATION NO.255 OF 2018

**REKHA RAMDAS DONGRE
VERSUS
RAMDAS DHONDIRAM DONGRE**

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Mrs. Uma Bhosle, Advocate for the applicant.
Mr. Akshay Tilve, Advocate for the respondent.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 09.12.2022.

ORDER:-

1. Heard rival submissions. The applicant – wife is seeking transfer of Petition No.A-54 of 2017 filed by the respondent husband for restitution of conjugal rights, from the Family Court, Aurangabad to the Family Court, Nashik. According to the applicant, criminal prosecution under Section 498-A of I.P.C. against respondent husband is going on at Nashik. Moreover, she has also filed proceedings under PWDV Act against the husband at Nashik. The husband has filed custody matter in the Family Court, Nashik. As against this, there is only one case pending at Aurangabad.

2. On the contrary, the respondent, by filing affidavit in reply and additional affidavit in reply, strongly opposed the application on the ground that the applicant wife is having

chequered history and so many criminal cases are filed against her under Sections 420, 468 and 471 of I.P.C. Even the respondent - husband has also filed one criminal prosecution bearing Crime No. 66/2021 against her at Kranti Chowk Police Station, Aurangabad. He pointed out that the applicant had in fact obtained anticipatory bail in connection of the said crime from District and Sessions Court, Aurangabad wherein she has been directed to attend the concerned police station. Moreover, considering the various cases filed against her at various places including Nashik, she will have to travel to those places for attending the dates of concerned cases.

3. It is extremely important to note that the respondent is working as Dy. Engineer in M.S.E.D.C.L. who can provide the conveyance charges to the applicant. Though there is a view taken by the Hon'ble Apex Court in recent judgments that convenient of the wife is to be seen always, but considering the fact that respondent is paying monthly maintenance of Rs. 10,000/- to the applicant and also ready to bear the conveyance charges in case the applicant attends date at Family Court, Aurangabad, following order is passed.

ORDER

- (i) The application is hereby rejected and disposed of accordingly.

- (ii) However, it is made clear that the respondent shall pay the amount of Rs. 2,000/- to the applicant, in case she attends the dates of the proceeding i.e. Petition No.A.54 of 2017 at Family Court, Aurangabad.
- (iii) The Family Court, Aurangabad is directed to dispose of the aforesaid petition as expeditiously as possible.

(SANDIPKUMAR C. MORE, J.)