

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

55 MISC.CIVIL APPLICATION NO.59 OF 2022

ASHWINI VIKRANT KHAKAL
VERSUS
VIKRANT JANARDHAN KHAKAL

...
Advocate for Applicant : Mr. Mahesh Bhosle h/f. Mr. V.S. Badakh
...

CORAM : MANGESH S. PATIL, J.
DATED : 13/06/2022.

PER COURT :

This is an application under section 24 of the Code of Civil Procedure.

2. The applicant-wife is seeking transfer of the proceedings for restitution of conjugal rights instituted by respondent-husband under section 9 of the Hindu Marriage Act from the Family Court at Ahmednagar to the Family Court at Bandra, Mumbai, where she has been residing.

3. The respondent has been served with notice of final disposal, but he has not appeared.

4. I have heard the learned counsel for the applicant and perused the papers. It is a matter of record that since after the matrimonial dispute, the applicant has been residing in Mumbai at Bhandup (E). She has also filed F.I.R. against the respondent-husband

and his relations under section 498-A etc. of Indian Penal Code. She has also filed complaint under section 12 of the Protection of Woman from Domestic Violence Act in the Metropolitan Magistrate Court at Mulund, Mumbai.

5. It is her assertion that she is having a daughter aged 10 years. It will cause hardship to her if she is made to attend the proceedings that is going on in the Family Court at Ahmednagar.

6. Her averments in respect of the hardship being faced by her have gone unchallenged.

7. There are no sufficient and cogent reasons to discard the averments made in the application. Wife is considered to be vulnerable. The applicant would certainly face hardship if she is made to go to Ahmednagar from Mumbai which is more than 300 k.m. away to defend the restitution proceedings. As against this, the respondent-husband will have to defend the proceedings instituted by her and pending in Mumbai. It would, therefore, be convenient for both the sides if the restitution proceedings is transferred from Ahmednagar to Mumbai with a rider that the Courts at Mumbai are directed as far as possible deal with the matters between the parties on the same date.

8. The application is allowed as prayed for. (H.M.P) Petition (A) No. 44/2021 pending on the file of Family Court at Ahmednagar is

transferred to the Family Court, Bandra, Mumbai for decision in accordance with law.

9. All the Courts in Mumbai are requested to list the matters between the parties before them as far as possible on the same date.

[MANGESH S. PATIL, J.]

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