

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

982 MISC.CIVIL APPLICATION NO.273 OF 2019

**SHRADDHA PARAG AMBULGEKAR
VERSUS
PARAG SHIRISH AMBULGEKAR**

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Advocate for Applicant : Mr. Avinash A. Phad
Advocate for Respondent : Mr. Bagdiya Vishal A.

**CORAM : MANGESH S. PATIL, J.
DATE : 06.07.2022.**

PER COURT :

This is an application seeking transfer of a petition for restitution of conjugal rights initiated by the respondent against the applicant and pending on the file of the Civil Judge Senior Division Pune to a Court at Latur.

2. The applicant submits that she is staying at Latur after the couple got separated. She has a four year old child to look after. The distance between Pune and Latur is around 350 kms. It would be difficult for her to defend the proceeding by commuting between the two places.

3. It is also mentioned that she has also initiated a proceeding for the offence punishable under Section 498A of the Indian Penal Code in a police station at Latur. In view of the hardship likely to be faced by her she prays for transfer of the proceeding.

4. The respondent has not filed any reply.

5. Apart from the fact that the averments in the application have not been traversed, it is apparent that the applicant is a woman residing at her parental home at Latur. There cannot be any dispute that the

distance between Pune and Latur is around 350 kms. Being a lady it would certainly be difficult for her to defend the proceeding by frequenting to Pune. There is also a possibility of matter being adjourned to a nearby date which would again make it difficult for her to stay back. She has to maintain the child which is around four years old.

6. Convenience of wife is the paramount consideration in such matters as has been laid down in catena of judgments referred in the order dated 17.12.2019.

7. The application is allowed as prayed for. Hindu Marriage Petition No. 1350/2019 pending on the file of the Court of Civil Judge Senior Division Pune is transferred to the Family Court at Latur for decision in accordance with law.

8. The parties shall appear before the Family Court at Latur on 30.07.2022.

(MANGESH S. PATIL, J.)

mkd/-