

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

MISC. CIVIL APPLICATION NO. 6 OF 2019

Sayyed Uzma Mohsin
@ Shaikh Uzma Mushtaq Ahmed

.. Applicant

Versus

Sayyed Mohsin Munir

.. Respondent

Mr. Hemant U. Dhage, Advocate for the Applicant.
Mr. Deepak D. Chaudhari, Advocate for Sole Respondent.

CORAM : S. V. GANGAPURWALA, J.

DATED : 12th JANUARY, 2022.

PER COURT:-

1. Mr. Dhage, learned counsel for the applicant submits that the proceeding filed by the respondent at Ahmednagar for Restitution of Conjugal Rights is not maintainable. The marriage has been solemnized at Pune. The parties lastly resided together at Pune. The applicant /original defendant in the proceeding resides at Pune. No part of cause of action has arisen within the territorial jurisdiction of the Court at Ahmednagar. The applicant has two minor children. It is difficult for the applicant to attend the proceeding at Ahmednagar.

2. Mr. Chaudhari, learned counsel for respondent submits that the notice for Restitution of Conjugal Rights was issued from Ahmednagar.

The part of cause of action has arisen within the territorial jurisdiction of Ahmednagar Court. According to the learned counsel, the distance between Ahmednagar and Pune is not so much. It would not be inconvenient for the applicant to attend the proceeding. The applicant has also filed a counter claim for dissolution of marriage. This shows that the applicant also does not want to reside with respondent.

3. It appears that, the marriage has been solemnized at Pune. The parties lastly resided at Pune. Merely issuance of notice would not bestow territorial jurisdiction upon the Court. It would be appropriate to transfer the proceeding filed by the present respondent from the Court of Civil Judge Senior Division, Ahmednagar to the Court of Civil Judge Senior Division, Pune.

4. In the light of the above, I pass the following order.

5. The suit bearing R.C.S. No. 109/2017 filed by the present respondent and pending before the Court of Civil Judge Senior Division, Ahmednagar is transferred to the Court of Civil Judge Senior Division, Pune.

6. Misc. civil application is disposed of.

(S. V. GANGAPURWALA)
JUDGE

P.S.B.