

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR**

**MISC. CIVIL APPLICATION (TR.) NO. 277 OF 2021**

Saziya w/o Mohamad Ansari vs. Mohamad Asfaque S/o Jabbar

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders.

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Mrs. Smita Taksande, Advocate for applicant.

**CORAM : MANISH PITALE J.**

**DATE : 04/04/2022**

**CIVIL APPLICATION (CAO) NO.728 OF 2021**

By this application the applicant seeks amendment of the transfer application to bring on record on fact that the suit for restitution of conjugal rights initially filed by the respondent before the Court of Civil Judge Senior Division, Bhandara is now transferred to Family Court at Bhandara and now it bears No.A-90 of 2021.

2. For the reasons stated in the application, the same is allowed and amendment is permitted. The amendment to be carried out forthwith.

3. Application is disposed of.

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Heard learned counsel for the applicant. Despite service on the sole respondent, there is no representation on his behalf.

2. In the present case, the applicant (wife) and the respondent (husband) got married on 02/12/2009 at Nagpur. It appears that after the birth of two children, there was matrimonial discord between the parties, as a result of which the applicant is living with her two children at the place of her parents. It is stated that she has no independent source of income.

3. It is further brought to the notice of this Court that on 18/09/2019, terms and conditions for divorce by mutual consent and settlement were finalized, but the respondent failed to pay maintenance as agreed between the parties. It is in this backdrop, that the respondent filed proceedings for restitution of conjugal rights before the Court of Civil Judge Senior Division, Bhandara which is now pending before the Family Court at Bhandara.

4. It is submitted that in this situation the applicant would not be able to effectively represent her case in the aforesaid suit for restitution of

conjugal rights filed by the respondent, which is pending before the Family Court at Bhandara.

5. This Court has also taken into consideration the fact that the applicant has initiated proceedings for maintenance under Section 125 of the Cr.P.C. and also proceedings under the provisions of the Protection of Women from Domestic Violence Act, 2005, before the Competent Court at Nagpur and that the respondent has to attend the said proceedings at Nagpur.

6. In view of the facts stated in the application, which are not controverted by the respondent, who has chosen not to appear before this Court despite service, this Court is inclined to allow this application.

7. Accordingly, the application is allowed and suit for restitution of conjugal rights bearing No.A-90 of 2021, pending before the Family Court at Bhandara is transferred to Family Court at Nagpur. The Family Court at Bhandara is directed to immediately transfer the record to the Family Court at Nagpur.

**JUDGE**

*Digitally signed by*RAVIKANT  
CHANDRAKANT KOLHE  
*Signing Date:*05.04.2022  
11:09