

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

MISC. CIVIL APPLICATION (TR.) NO. 08 OF 2022

Sau. Sneha w/o Ajay Khanderao vs. Shri. Ajay S/o Balkrishna Khanderao

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

Court's or Judge's Orders.

Mr. V. R. Deshpande, Advocate for applicant.

CORAM : MANISH PITALE J.

DATE : 22/04/2022

By this application applicant (wife) is seeking transfer of petition for restitution of conjugal rights filed by the respondent (husband) in the Family Court at Aurangabad to the Court of Civil Judge Senior Division, Akot, District – Akola.

2. This Court issued notice in the present application, which was served, but the respondent has chosen not to appear before this Court despite service of notice.

3. In the application it is stated that the parties got married on 30/06/2020, but due to alleged harassment at the hands of the respondent and his family members, the parties are living separately from 23/07/2021. The applicant was constrained to live with her parents at Manabda,

Taluka Telhara, District Akola. It is stated that the applicant has no independent source of income and she is dependent on her parents.

4. It is further submitted that it is impossible for her to travel the distance of about 260 k.m. to attend the proceedings at Aurangabad. On this basis, it is submitted that if the proceedings are not transferred, the applicant will not be able to effectively represent her case.

5. The contents of the application have remained uncontroverted. The convenience of the wife is one of the major considerations in such matters. Therefore, the applicant has made out a case in her favour for transfer of the case.

6. Accordingly, the application is allowed.

7. The petition for restitution of conjugal rights filed by the respondent bearing Petition A-No.524 of 2021, pending before the Family Court at Aurangabad, is transferred to the Court of Civil Judge Senior Division, Akot, District Akola.

8. Accordingly, the Court at Aurangabad is directed to immediately transmit the record to the Court at Akot, District Akola.