

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

967 MISCELLANEOUS CIVIL APPLICATION NO. 5 OF 2023

Varsharani Chandrakant Salve,
Age : 36 yars, Occ. : Household,
R/o. : C/o. : Maroti Dhondiba Khillare,
at Post Patkhal, Tq. Mangalwedha,
Dist. Solapur ... APPLICANT

VERSUS

Chandrakant Janardhan Salve,
Age : 41 years, Occ. : Service,
R/o. : Bhakti Construction, Eknath Nagar,
Beed, Tq. & Dist. Beed ... RESPONDENT

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Mr. K.R. Doke – Advocate for Applicant
Mr. Moinpasha Shaikh Farid h/f. Mr. A.L. Kanade – Advocate
for Respondent

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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 30th June, 2023

PER COURT :

1. learned Counsel holding for Mr. A.L. Kanade tendered on record affidavit-in-reply of respondent. Taken on record. Copy of the same already furnished to the learned Counsel for the applicant.
2. Heard rival submissions.
3. The applicant – wife is seeking transfer of Marriage

Petition No. A – 60 of 2021 pending in Family Court, Beed filed by respondent – husband for restitution of conjugal rights, to the Court of C.J.S.D., Pandharpur, Dist. Solapur.

4. According to the applicant – wife, she is not having independent source of income and she is also maintaining three and half years daughter without any financial support from respondent – husband. The distance between Pandharpur and Beed is about 256 Kilometers. As such, it seems difficult for her to attend the dates at Beed. Moreover, she has also filed proceeding under Section 125 of Cr.P.C. against the respondent – husband at Mangalwedha wherein she has secured order of interim maintenance. The respondent – husband has challenged the said order of interim maintenance before the Court of learned D.J. - 1 at Pandharpur which is going on.

5. The learned Counsel for the respondent – husband on the basis of reply filed by the respondent strongly opposed the application on the ground that, the respondent is in service as a lecturer at Kada, Tq. Ashti, Dist. Beed and not getting frequent leave. He is also ready to bear the conveyance charges

of the applicant, if she attends the dates at Beed. However, it appears that, the respondent – husband is already attending the dates at Mangalwedha and Pandharpur and therefore considering the convenience of applicant – wife, following order is passed :

ORDER

- (i) The application is hereby allowed.
- (ii) Marriage Petition No. A – 60 of 2021 pending in the Family Court, Beed is transferred to the Court of C.J.S.D., Pandharpur, Dist. Solapur for disposal according to law.
- (iii) The respondent is directed to appear before the Court of C.J.S.D., Pandharpur, Dist. Solapur on or before 18th July, 2023. He will be at liberty to seek convenient dates from the concerned Courts' wherein the proceedings between himself and applicant are going on.
- (iv) The application is disposed of accordingly.

[SANDIPKUMAR C. MORE]
JUDGE