



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

MISC. CIVIL APPLICATION NO. 42 OF 2021

Poonam w/o Rahul Chawriya,
Age : 28 years, Occu. : Household
R/o. : Gandhinagar, Aurangabad.
Tq. & Dist. Aurangabad.
C/o. Rohtas s/o Ramchandra Redlan,
R/o. Laxmi Niwas, Kesapuri Camp,
NH-61, Majalgaon, Tq. Majalgaon, Dist. Beed. .. Applicant

Versus

Rahul s/o Naresh Chawriya
Age : 32 years, Occu. : Service,
R/o. : 3/18, 251, Gandhi Nagar,
Aurangabad, Tq. & Dist. Aurangabad. .. Respondent

Mr. Sarvesh J. Naik, Advocate h/f Mr. Amar V. Lavte, Advocate for the Applicant.

CORAM : SHAILESH P. BRAHME, J.

DATE : 13th DECEMBER, 2023.

PER COURT :-

- . Heard the learned counsel for the applicant.
2. When the matter is called out none appeared for the respondent, though served.
3. By way of this application, the applicant is seeking transfer of the proceedings of restitution of conjugal rights filed before Family Court, Aurangabad to the competent Court at Majalgaon.

4. The learned counsel for the applicant submits that, it is not possible for the applicant to attend the proceedings by travelling from Majalgaon to Aurangabad.

5. I have considered rival submissions. I record following findings :

i. It is inconvenient for the applicant to travel and attend the proceedings at Aurangabad.

ii. There is no issue out of wedlock.

iii. She has no source of income and she is staying with her parents.

iv. Her sufferings and hardships are apparent.

v. There is nothing on record to show that the respondent is unable to attend the proceedings by travelling from Aurangabad to Majalgaon.

6. A useful reference can be made to the law laid down by the Supreme Court and this Court in the following matters :

a) *Sumita Singh Versus Kumar Sanjay*, **2002 AIR (SC) 396** ;

b) *Soma Choudhury Versus Gourab Choudhury*, **(2004) 13 Supreme Court Cases 462** ;

c) *Sangamitra Ramakant Royalwar Versus Ramakant Gangaram Royalwar*, **2009 (1) Mh.L.J. 303** ;

d) *Anita Balkrishna Barge Versus Balkrishna Sopan Barge*, **2011 (1) Mh.L.J. 518** ;

e) *Mahadevi Gopal Mehetre Versus Gopal Prabhakar Mehetre*, **2016 (4) All.M.R. 599 ;**

f) *Vaishali Shridhar Jagtap Versus Shridhar Vishwanath Jagtap*, **2016 AIR (SC) 3584 ;**

g) *Pooja Rohan Jadhav Vresus Rohan Ramesh Jadhav*, **order passed by High Court, Bench at Aurangabad in MCA No. 171 of 2018 ;**

h) *Ashwini Kailas Patil Versus Shivajirao Anandrao Gaekwar*, **order passed by High Court, Bench at Aurangabad in MCA No. 46 of 2020.**

7. For the reasons stated above, I pass following order :

ORDER

- i. The Miscellaneous Civil Application is allowed.
- ii. The Petition No. A-179/2020 pending before the Family Court, Aurangabad, shall stand transferred to the competent Court at Majalgaon.
- iii. An endeavour be made to decide the proceedings finally as expeditiously as possible.
- iv. The concern Court shall transmit the papers immediately.
- v. The parties to appear before the Court at Majalgaon on 11th January, 2024.

- vi. All the proceedings pending at a place where the applicant is residing be preferably posted on same date.

(SHAILESH P. BRAHME, J.)

PS.B.