

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

976 MISC.CIVIL APPLICATION NO.45 OF 2023

JAYASHREE W/O YOGESH CHAUDHARI
VERSUS
YOHESH S/O SUDHAKAR CHAUDHARI

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Advocate for Applicant : Mr. V. G. Kodale
Advocate for Respondents : Mr. A. V. Patil h/f.
Mr. Nilesh N. Desale
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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 23.06.2023

PER COURT :

1. Leave to correct the prayer clause B by mentioning Family Court Aurangabad instead of Civil Judge Senior Division, at Aurangabad.
2. Heard rival submissions.
3. The applicant – wife is seeking transfer of HMP No.336/2022 filed by respondent- husband for restitution of conjugal rights, from the Family Court, Civil Judge Senior Division, Bhusawal, District Jalgaon to the Family Court at Aurangabad.
4. According to applicant wife, she has no source of income and at present maintaining 3 years son and 5 years daughter without any financial support from the respondent -husband. Moreover, she has also filed proceeding against the respondent -husband under the

provisions of Protection of Women from Domestic Violence Act, 2005, wherein he has already appeared.

5. The learned counsel for the respondent- husband strongly opposed the application on the ground that distance between Bhusawal and Aurangabad is approximately 170 kms. and the applicant can attend the dates at Bhusawal on providing certain conveyance charges. However, since the respondent -husband is already attending the dates at Aurangabad, he can very well attend the dates there if his petition is transferred to Aurangabad.

6. In view of the same, following order is passed :

ORDER

- (i) The application is hereby allowed.
- (ii) The HMP No. 336/2022 pending in the Court of learned Civil Judge Senior Division, Bhusawal, District Jalgaon is transferred to the Family Court at Aurangabad for disposal according to law.
- (iii) The respondent is directed to appear before the Family Court at Aurangabad, on or before 15/07/2023.
- (iv) The application is disposed of accordingly.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-