

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

976 MISC.CIVIL APPLICATION NO.82 OF 2023

**PRAMILA AKASH KAHLOLE
VERSUS
AKASH SAMBHAJI KACHOLE**

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Mr. Santosh Naik, Advocate for the applicant.
Mr. Jitendra Patil, Advocate for the respondent.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 14.07.2023

ORDER:-

1. Heard rival submissions. The applicant – wife is seeking transfer of Marriage Petition A-135/2022 filed by respondent-husband for restitution of conjugal rights, from the Family Court, Parbhani to the Court of 8th Civil Judge (S.D) and Addl. C.J.M. at Malegaon, District Nashik.

3. According to the applicant-wife, she is not having any independent source of income. Moreover, she has also filed one proceeding under PWDV Act which is at present in the Court of 8th Jt. C.J.S.D. Addl. C.J.M. Malegaon, District Nashik wherein the respondent husband has appeared. The distance between Parbhani and Malegaon is more than 400 kms. and the applicant is maintaining 3 1/2 years old son without any financial aid from the respondent husband.

4. The learned counsel for the respondent- husband strongly opposed the application on the ground that the proceeding filed by the applicant wife is an afterthought i.e. after the proceeding of respondent.

5. However, it seems that the respondent husband is already attending the dates at Malegaon in the proceeding filed by the applicant wife. Therefore, considering the convenience of the applicant-wife, following order is passed.

ORDER

- (i) The application is hereby allowed.
- (ii) Marriage Petition No. A-135/2022 pending in the Family Court, Parbhani is transferred to the Court of 8th Civil Judge (S.D.) and Addl. C.J.M. at Malegaon, District Nashik. for its disposal according to law.
- (iii) The respondent is directed to appear before the Court of 8th CJSD and Addl. C.J.M. Malegaon, District Nashik on or before 01.08.2023. He may seek convenient dates for all the proceedings pending at Malegaon. He will be at liberty to appear in those proceedings through his lawyer except on the dates where his personal attendance is required.
- (iv) The application is disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)