

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

MISC. CIVIL APPLICATION NO. 77 OF 2023

Priyanka w/o Piyush Gundewar,
age: 29 years, Occ: Household,
R/o C/o Ganesh Samb Kottawar,
Kailasnagar, Nanded,
Tq. & District Nanded.

Applicant

Versus

Piyush s/o Ganesh Gundewar,
age: 30 years, Occ: Business,
R/o Komti Galli, Hingoli,
Tq. & District Hingoli.

Respondent

Mr. S. T. Chalikwar, advocate for the Applicant
Mr. P. P. Tapse, advocate for the Respondent.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 13th July, 2023.

PC :

1 Heard rival submissions.

2 The applicant-wife is seeking transfer of HMA No. 190 of 2022, filed by the respondent-husband for restitution of conjugal rights from the Court of Civil Judge, Senior Division, Hingoli to the Family Court, Nanded.

3 According to the applicant, she is not having any independent source of income. She has also filed three proceedings at Family Court, Nanded, viz. (a) under Section 125 of Code of Criminal Procedure; (b) under Section 27 of the Hindu Marriage Act for refund of *streedhan*; and (c) divorce proceedings. The respondent had already appeared in these proceedings.

4 On the contrary, learned Counsel for the Respondent, strongly opposed the application on the ground that the distance between Nanded and Hingoli is only of 90 Kms and, therefore, the applicant can conveniently attend the dates at Hingoli. Moreover, the father of the respondent is suffering from acute illness.

5 However, it is significant to note that the respondent is already attending the dates at Family Court, Nanded and, therefore, all the proceedings between him and the applicant can be conveniently decided in the Family Court, Nanded itself. In view of the same, following order is passed:

(i) Misc. Civil Application is hereby allowed.

(ii) The HMA No. 190 of 2022 is hereby transferred From the Court of Civil Judge, Senior Division, Hingoli to the Family Court, Nanded, for its simultaneous disposal along with the proceedings filed by the applicant therein, according to law.

(iii) The Respondent is directed to appear before the Family Court, Nanded, on or before 8st August, 2023 and he will be at liberty to seek convenient dates for all the aforesaid proceedings.

(iv) Misc. Civil Application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb