

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

MISC. CIVIL APPLICATION NO. 92 OF 2023

Nadera Tabassum Sayyad Shahed,
age: 38 years, Occ: Service,
R/o Ekta Nagar, Pathri,
Tq. Pathri, District Parbhani.

Applicant

Versus

Sayyad Shahed Sayyad Husain,
age: 35 years, Occ: Service,
R/o Green Park Colony,
Bhadgaon, Tq. Bhadgaon,
District Jalgaon.

Respondent

Mr. A. R. Syed, advocate for the Applicant
Mr. H. M. Shaikh, 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 two proceedings, namely (a) Misc. Civil Application No.655 of 2022, filed by respondent-husband for getting custody of minor son, from the Court of District Judge, Jalgaon to the

Court of District Judge, Parbhani; and (b) RCS No. 62 of 2022, filed by the respondent-husband for restitution of conjugal rights, from the Court of Civil Judge, Junior Division, Bhadgaon, District Jalgaon, to the Court of Civil Judge, Junior Division, Pathri, District Parbhani.

3 The learned Counsel for the Respondent strongly opposed the application on the ground that the applicant-wife has filed the proceedings at Pathri only to harass the respondent. Even the allegations in the criminal prosecution are totally false.

4 However, it is significant to note that the respondent-husband is already attending the dates at Pathri in the proceedings filed by the applicant-wife. Further, the distance between Pathri and Jalgaon is around 300 Kms. Moreover, the respondent-husband, on his own, has not offered any maintenance to the applicant-wife or his own son, who is nearly 3 years of age. Therefore, considering all these facts and looking to the convenience of the applicant-wife, following order is passed:

- (i) Misc. Civil Application is hereby allowed.
- (ii) Misc. Civil Application No.655 of 2022, filed by the respondent-husband, for getting custody of the minor son, is hereby transferred from the Court of District Judge, Jalgaon to the Court of District Judge, Parbhani. Likewise, RCS No. 62 of 2022, filed by the respondent-husband for restitution of conjugal rights, is also transferred from the Court of Civil Judge, Junior Division, Bhadgaon, District Jalgaon, to the Court of Civil Judge, Junior Division, Pathri, District Parbhani, for disposal according to law.
- (iii) The Respondent-husband is directed to appear before the concerned Courts at Pathri and Parbhani, on or before 1st August, 2023 and he will be at liberty to seek convenient dates in all the proceedings between the applicant and himself from the concerned Courts in Parbhani district.
- (iv) Misc. Civil Application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb