

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

966 MISC.CIVIL APPLICATION NO.164 OF 2021

SHAFIYA KAUSAR SHAIKH ZISHAN
VERSUS
SHAIKH ZISHAN SHAIKH HUSSAIN

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Advocate for Applicant : Mr. Sharad S. Shinde
Advocate for Respondent : Mr. A. R. Lukhe h/for Mr.V B. Deshmukh

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 13th JANUARY, 2023

ORDER:

1. Heard rival submissions.
2. The applicant is seeking transfer of Petition No. A-24/2020 filed by respondent husband for restitution of conjugal rights from the Family Court, Osmanabad to the Court of C.J.S.D, Ambajogai, District Beed.
3. The learned counsel for the respondent strongly opposed the application on the ground that applicant is Doctor by profession and having sufficient source of income and therefore, considering the short distance of only 95 Kms. between Osmanabad and Ambajogai, she can very well attend the dates at Osmanabad.
4. However, it is pointed out by the learned counsel for the applicant that in all three proceedings are going on at Ambajogai against the respondent husband, one is under the provisions of PWDV Act, other one is maintenance proceeding under section 125 of Cr.P.C. and the last one is criminal

prosecution under section 498-A of IPC. He pointed out that the respondent has already appeared in these proceedings.

5. It is already settled under the various judgments of this Court as well as Hon'ble Apex Court that in transfer cases, convenience of the wife is to be seen first. In the instant matter, the respondent husband is already attending the dates at Ambajogai in the proceedings filed by applicant wife and therefore, considering the convenience of wife, it is not advisable to direct her to attend the dates at Osmanabad. Moreover, all the matters involving same set of facts are to be tried at one place for proper adjudication. In view of the same, following order is passed:

O R D E R

(i) Application is hereby allowed.

(ii) The petition No. A-24/2020 is hereby transferred to the Court of learned C.J.S.D. Ambajogai Dist. Beed from Family Court Osmanabad for disposal according to law.

(iii) The respondent is directed to appear before the Court of C.J.S.D. Ambajogai on or before 15th February, 2023. He will be at liberty to seek convenient dates for all the proceedings going on between himself and applicant from the concerned courts.

(SANDIPKUMAR C. MORE, J.)