

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

950 MISCELLANEOUS CIVIL APPLICATION NO. 142 OF 2021

PRANALI ROHIT KHELE
VERSUS
ROHIT KAMALAKAR KHELE

...
Mr. T.K. Sant – Advocate for Applicant

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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 27th July, 2023

PER COURT :

1. Heard learned Counsel for the applicant – wife. None remained present for respondent – husband despite appearance. It is already made clear by this Court vide order dated 20th July, 2023 that is the learned Counsel – Mr. K.A. Qureshi remains absent, the matter will be worked out in his absence. Despite calling, the learned Counsel – Mr. K.A. Qureshi remained absent.

2. The applicant – wife is seeking transfer of Marriage Petition No. 333 of 2021 pending in the Court of 9th Joint C.J.S.D., cum C.J.M., Pune filed by respondent – husband for restitution of conjugal rights, to the Family Court at Jalgaon.

3. According to the applicant – wife, she is residing at

Jalgaon and doing work from home for the company which is situated at Pune. The distance between Pune and Jalgaon is around 350 Kilometers. Moreover, she is maintaining twins at Jalgaon and she has also filed proceeding under the provisions of Protection of Women from Domestic Violence Act, 2005 against the respondent – husband and his family members at Jalgaon, wherein the respondent is already appeared.

4. Though the respondent – husband filed reply but nobody remained present to argue the matter on his behalf. On perusal of the reply it appears that, the respondent is opposing the application on the ground that, his parents are old aged persons and there is nobody to look after them. According to him, the applicant is pretending that, she cannot travel because of children to Pune but on the other hand, she has dragged his old aged parents at Jalgaon in the false proceeding under P.W.D.V. Act.

5. However, considering the fact that the respondent – husband is already the dates at Jalgaon. The convenience of applicant – wife can be seen ahead of the convenience of

respondent – husband. Therefore considering all these facts, following order is passed :

ORDER

- (i) The application is hereby allowed.
- (ii) Marriage Petition No. 333 of 2021 pending in the Court of 9th C.J.S.D., Pune is transferred to the Family Court, Jalgaon for disposal according to law.
- (iii) The respondent is directed to appear before the Family Court, Jalgaon on or before 17th August, 2023. He will be at liberty to appear before the Family Court, Jalgaon through his advocate except on the dates where his personal attendance is required. He may seek convenient dates from the concerned Courts' in respect of all the proceedings going on between himself and applicant at Jalgaon.
- (iv) The application is disposed of accordingly.

[SANDIPKUMAR C. MORE]
JUDGE