

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

975 MISC.CIVIL APPLICATION NO.146 OF 2021

**LALITA VINOD CHAVHAN
VERSUS
VINOD CHANDRAKANT CHAVHAN**

...
Advocate for Applicant : Mr.Sandip R. Andhale
Advocate for Respondent : Mr. Sunil A. Nimbalkar
...

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 27/01/2023.

PER COURT :

1. Heard rival submissions. The applicant is seeking transfer of Marriage petition No. 15 of 2020 filed by the respondent/husband for restitution of conjugal rights, from the Court of C.J.S.D., Kolhapur to Family Court, Aurangabad.
2. According to the applicant, she has no source of income and she is having one tender aged daughter to look after. Further, despite order of maintenance granted by Family Court, Aurangabad in her favour, respondent has not deposited any amount. Further, the distance between Aurangabad and Kolhapur is of 450 k.m. and therefore, it is highly difficult for her to attend the dates at Kolhapur.
3. The learned counsel for the respondent/husband strongly

opposed the application. However, it seems that the respondent had already appeared in the maintenance proceeding at Aurangabad. Further, despite order of maintenance he has not deposited any amount for the maintenance of applicant and her daughter. As per the recent view of the Hon'ble Apex Court convenience of the wife is to be seen ahead of the convenience of the husband in transfer cases. In view of the same, following order is passed :

ORDER

- 1) The application is allowed.
- 2) The Marriage Petition No. 15 of 2020 is hereby transferred to family Court Aurangabad from the Court of C.J.S.D. Kolhapur for disposal according to law.
- 3) The respondent is directed to appear before Family Court, Aurangabad on or before 01.03.2023.
- 4) The application accordingly disposed of.

**(SANDIPKUMAR C. MORE)
JUDGE**

mahajansb/