

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

958 MISC.CIVIL APPLICATION NO.159 OF 2022

SONALI YOGESH DEVKAR
VERSUS
YOGESH SUDAM DEVKAR

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Advocate for Applicant :Mr. Bhagwat Nilesh N
Advocate for Respondent : Mr.Lute Sandeep N.

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

ORDER:

1. Heard rival submissions.
2. The applicant is seeking transfer of Hindu Marriage Petition No. 28 of 2022 filed by the respondent Husband for restitution of conjugal rights from the Court of learned C.J.S.D., Aurangabad to the Court of learned C.J.S.D., Kopargaon.
3. According to the applicant, she is not having any source of income and at present she is looking after three years old son without any financial assistance from the respondent. She has also filed proceeding under section 125 of Cr.P.C. in the Court of learned J.M.F.C. Kopargaon wherein the respondent has already appeared.
4. On the contrary, the learned counsel for the respondent strongly opposed the application on the ground

that despite attempt of mediation, the applicant refused to cohabit with the respondent.

5. However, in transfer cases, the convenience of wife is to be seen primarily. Here the applicant as well as her son are not having any source of income and proceeding to that effect is going on at Kopergaon. It is significant to note that the respondent husband has already appeared in the aforesaid proceedings for maintenance and therefore, since he will have to attend the aforesaid proceeding regularly, the proceeding filed by him at Aurangabad can be conveniently transferred to Kopergaon for proper adjudication of the rival controversy between the parties. In view of the same, following order is passed:

O R D E R

- (i) Application is hereby allowed.
- (ii) The Hindu Marriage Petition No. 28 of 2022 is hereby transferred to the Court of learned C.J.S.D., Kopergaon, District Ahmednagar for disposal according to law.
- (iii) The respondent is directed to appear before the Court of C.J.S.D. Kopergaon on or before 18th January, 2023.

(SANDIPKUMAR C. MORE, J.)

JPChavan