

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

960 MISCELLANEOUS CIVIL APPLICATION NO. 108 OF 2020

POOJA KAMLESH KHOBARE
VERSUS
KAMLESH GORAKHNATH KHOBARE

...
Ms. M.V. Narwade – Advocate for Applicant
Mr. U.S. Patil – Advocate for Respondent
....

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 9th June, 2023

PER COURT :

1. Heard rival submissions
2. The applicant – wife is seeking transfer of Hindu Marriage Petition No. A-77 of 2020 filed by the respondent – husband for restitution of conjugal rights to the Court of Civil Judge Senior Division, Shrirampur, Ahmednagar from the Family Court, Aurangabad.
3. According to applicant – wife, she is not having any independent source of income. Moreover, she has also filed proceedings under Protection of Women from Domestic Violence Act, 2005 at Shrirampur bearing Criminal

Miscellaneous Application No. 234 of 2023, wherein respondent – husband has already appeared.

4. Learned Counsel for respondent – husband strongly opposed the application by contending that, the applicant has filed this application with intent to harass the respondent – husband. However, it is significant to note that, the respondent is already attending the dates at Shrirampur, Dist. Ahmednagar in Domestic Violence proceedings. Moreover, the distance between Shrirampur, Dist. Ahmednagar and Aurangabad is not so long, which can cause hardship to the respondent – husband. As such, considering the convenience of applicant – wife, following order is passed :

ORDER

- (i) The application is hereby allowed.
- (ii) Hindu Marriage Petition No. A – 77 of 2020 pending in the Family Court, Aurangabad is transferred to the Court of Civil Judge Senior Division, Shrirampur, Dist. Ahmednagar for disposal, according to law.

- (iii) The respondent is directed to appear before the Civil Judge Senior Division, Shrirampur, Dist. Ahmednagar, on or before 15th July, 2023.
- (iv) The learned Civil Judge Senior Division, Shrirampur, Dist. Ahmednagar is directed to dispose the aforesaid proceeding as early as possible.
- (v) The applicant – wife is also directed not to seek any unnecessary adjournments.
- (vi) The respondent – husband is also at liberty to seek convenient dates for this proceeding as well as the proceedings filed by the applicant – wife under Protection of Women from Domestic Violence Act.
- (vii) The application is disposed of accordingly.

**[SANDIPKUMAR C. MORE]
JUDGE**