

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

977 MISC.CIVIL APPLICATION NO.192 OF 2021

**SHUBHANGI NITIN GANGVE
VERSUS
NITIN PANDIT GANGVE**

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Advocate for Applicant : Mr.Shantanu A. Deshpande and
Mrs.Dhanashree A. Patil

Advocate for Respondent : Mr.R. R. Karpe

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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 27/01/2023.

PER COURT :

1. Heard rival submissions. The applicant is seeking transfer of Marriage Petition (A) No. 534 of 2019 filed by respondent/husband for restitution of conjugal rights from the Family Court Nashik to the Family Court Aurangabad.

2. According to the applicant she does not have any source of income and there is one 8 years daughter to look after. According to her, the respondent has not paid any maintenance amount to her as well as to her daughter.

3. On the contrary, learned counsel for the respondent strongly opposed the application on the ground that the respondent is ready to co-habit with applicant either at Nashik or Aurangabad. He

pointed out that the proceedings filed by the wife under Section 125 of Cr.P.C. and under the provisions of PWDV Act, only after filing the aforesaid petition for restitution of conjugal rights. However, as per the observation of Hon'ble Apex Court in the latest judgment convenience of the wife is to be looked into primarily. Moreover, the husband is also appearing in the D.V. proceedings going on at Aurangabad. Therefore, considering the convenience of the wife, following order is passed :

ORDER

- 1) The application is allowed.
- 2) The Marriage Petition A-No.534 of 2019 is hereby transferred to family Court Aurangabad from Family Court Nashik for disposal according to law.
- 3) The respondent is directed to appear before Family Court, Aurangabad on or before 04.02.2023.
- 4) The application accordingly disposed of.

**(SANDIPKUMAR C. MORE)
JUDGE**

mahajansb/