

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

970 MISCELLANEOUS CIVIL APPLICATION NO. 217 OF 2022

JYOTI MANGESH KATKE
VERSUS
MANGESH RAHUL KATKE

...
Mr. S.P. Rathod – Advocate for Applicant
Mr. R.H. Wagh – Advocate for Respondent
....

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 10th August, 2023

PER COURT :

1. Heard rival submissions.
2. The applicant – wife is seeking transfer of Hindu Marriage Petition No. 58 of 2021 filed by respondent – husband for restitution of conjugal rights to the Family Court, Aurangabad from the Court of C.J.S.D., Dharva, Dist. Yevatmal.
3. According to the applicant – wife, she is not having any independent source of income. Further, the distance between Aurangabad and Dharva is more than 300 Kilometers and therefore, it is difficult for her to attend the dates at Dharva.

Moreover, she has also filed proceedings under Section 125 of Cr.P.C. in the Family Court, Aurangabad and the under Section 498 – A of I.P.C. and under the provisions of P.W.D.V. Act are also going on in the Court of concerned Judicial Magistrate First Class at Aurangabad, wherein the respondent – husband has already served and yet to appear.

4. The learned Counsel for the respondent – husband strongly opposed the application on the ground that, during the pendency of mediation process the respondent – husband was served for the proceedings filed by the applicant – wife and therefore, the mediation could not be successful. He pointed out that, the applicant – wife filed the proceedings at Aurangabad as a counter blast to the petition for restitution of conjugal rights.

5. However, the distance between Aurangabad and Dharva, Dist. Yavatmal is more than 300 Kilometers and therefore, it seems difficult for the applicant – wife, who has not having any source of income, to attend the dates at Dharva. Moreover, the respondent – husband is already served with the notices

in respect of the proceedings filed by the applicant – wife at Aurangabad and he will have to appear there. Therefore, considering the convenience of applicant – wife, following order is passed :

ORDER

- (i) The application is hereby allowed.
- (ii) Hindu Marriage Petition No. 58 of 2021 pending in the Court of C.J.S.D., Dharva, Dist. Yevatmal is transferred to the Family Court, Aurangabad for its disposal, according to law.
- (iii) The respondent is directed to appear before Family Court, Aurangabad on or before 1st September, 2023 and he is at liberty to seek convenient dates from the concerned Courts' at Aurangabad for all the proceedings between himself and applicant.
- (iv) The application is disposed of accordingly.

[SANDIPKUMAR C. MORE]
JUDGE