



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

MISC. CIVIL APPLICATION NO. 18 OF 2021

Sau Purva @ Sayli w/o Amit Patil

Age : 25 years, Occu. : Nil

R/o. : Near Abhay College, Plot No. 43

Anmol Nagar, Deopur, Dhule

Tq. & Dist. Dhule

.. Applicant

Versus

Amit s/o Sopan Patil

Age : 28 years, Occu. : Business

R/o. : Plot No. 12 (Gat No. 28),

Muktai Nagar Colony, Near Hanuman Temple,

Jalgaon, Tq. & Dist. Jalgaon

At present

Office No. 2, Sr. No. 1997, Chakan Ambethan Road

Near WMDC, Ambethan, Chakan

Tq. Khed, Dist. Pune

.. Respondent

Mr. Vikrant P. Raje, Advocate for the Applicant.

CORAM : SHAILESH P. BRAHME, J.

DATE : 13th DECEMBER, 2023.

PER COURT :-

- . Heard the learned counsel for the applicant.
2. When the matter is called out none appeared for the respondent, though served.
3. By way of this application, the applicant is seeking transfer of the proceedings of restitution of conjugal rights filed before Family Court,

Jalgaon to the Family Court, Dhule.

4. The learned counsel for the applicant submits that, it is not possible for the applicant to attend the proceedings by travelling from Dhule to Jalgaon.

5. I have considered rival submissions. I record following findings :

- i. It is inconvenient for the applicant to travel and attend the proceedings at Jalgaon.
- ii. There is no issue out of wedlock.
- iii. She has no source of income and she is staying with her parents.
- iv. Her sufferings and hardships are apparent.
- v. There is nothing on record to show that the respondent is unable to attend the proceedings by travelling from Jalgaon to Dhule.

6. A useful reference can be made to the law laid down by the Supreme Court and this Court in the following matters :

- a) *Sumita Singh Versus Kumar Sanjay*, **2002 AIR (SC) 396** ;
- b) *Soma Choudhury Versus Gourab Choudhury*, **(2004) 13 Supreme Court Cases 462** ;
- c) *Sangamitra Ramakant Royalwar Versus Ramakant Gangaram Royalwar*, **2009 (1) Mh.L.J. 303** ;

- d) *Anita Balkrishna Barge Versus Balkrishna Sopan Barge*, **2011 (1) Mh.L.J. 518** ;
- e) *Mahadevi Gopal Mehetre Versus Gopal Prabhakar Mehetre*, **2016 (4) All.M.R. 599** ;
- f) *Vaishali Shridhar Jagtap Versus Shridhar Vishwanath Jagtap*, **2016 AIR (SC) 3584** ;
- g) *Pooja Rohan Jadhav Versus Rohan Ramesh Jadhav*, **order passed by High Court, Bench at Aurangabad in MCA No. 171 of 2018** ;
- h) *Ashwini Kailas Patil Versus Shivajirao Anandrao Gaekwar*, **order passed by High Court, Bench at Aurangabad in MCA No. 46 of 2020**.

7. For the reasons stated above, I pass following order :

ORDER

- i. The Miscellaneous Civil Application is allowed.
- ii. The Petition A. No. 94/2020 pending before the Family Court, Jalgaon, shall stand transferred to the Family Court, Dhule.
- iii. An endeavour be made to decide the proceedings finally as expeditiously as possible.
- iv. The concern Court shall transmit the papers immediately.
- v. The parties to appear before the Family Court, Dhule on 11th January, 2024.

- vi. All the proceedings pending at a place where the applicant is residing be preferably posted on same date.

(SHAILESH P. BRAHME, J.)

PS.B.