



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

MISCELLANEOUS CIVIL APPLICATION NO. 188 OF 2018

Sow Swati w/o Sunil Jangam,
Age : 34 years, Occu. : Housewife,
R/o C/o Anandnagar, Vasamat
Road, Parbhani,
Tq. and Dist. Parbhani. .. Applicant

Versus

Sunil s/o Dagadu Jangam (Perne),
Age : 38 years, Occu. : Govt. Service
(Conductor),
R/o Patil Galli, Budhwar Peth,
Nathik, Tq. & Dist. Nashik. .. Respondent

Shri Chandrakant D. Biradar, Advocate for the Applicant.
The respondent is served – absent.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 08TH DECEMBER, 2023.**

FINAL ORDER :

- . Heard the learned counsel for the applicant..
2. When the matter is called out none appears for the respondent, though served.
3. By way of this application, the applicant is seeking transfer of the proceedings of restitution of conjugal rights U/Sec. 9 of the Hindu Marriage Act filed before the Family Court at Nashik to the Court of Civil Judge Senior Division, Parbhani.

3. The learned counsel for the applicant submits that it is not possible for the applicant to attend the proceedings by travelling from Parbhani to Nashik. The applicant is residing with her parents. The applicant is not having any source of income.

4. I have considered the submissions. I record following findings.

(i) It is inconvenient for the applicant to travel and attend the proceedings at Nashik.

(ii) She has no source of income and she is staying with her parent.

(iii) Her sufferings and hardship are apparent.

(iv) There is nothing on record to show that the respondent is unable to attend the proceedings by travelling from Nashik to Pabhani.

(v) The applicant has initiated proceedings at Parbhani against the respondent.

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 Vs. Kumar Sanjay reported in (2001) 10 SCC 41.

- B. Soma Choudhury Vs. Gourab Choudhary reported in (2004) 13 SCC 462.
 - C. Vaishali Shridhar Jagtap Vs. Shridhar Vishwanath Jagtap reported in (2016) 14 SCC 356.
 - D. Sangamitra Ramakant Royalwar Vs. Ramakant Gangaram Royalwar reported in 2009 (1) Mh.L.J. 303.
 - E. Anita Balkrishna Barge Vs. Balkrishna Sopan Barge reported in 2011 (1) Mh.L.J. 518.
 - F. Mahadevi Gopal Mehetre Vs. Gopal Prabhakar Mehetre reported in 2016(4) All M.R. 599.
 - G. Judgment and order dated January 11, 2019 in Misc. Civil Application No. 171 of 2018 in the matter of Pooja Rohan Jadhav Vs. Rohan Ramesh Jadhav.
 - H. Judgment and order dated 01 July 2022 in Misc. Civil Application No. 46 of 2020 in the matter of Ashwini Kailas Patil Vs. Shivajirao Anandrao Gaekwar.
7. For the reasons stated above, I pass following order.

O R D E R

- a. The Misc. Civil Application is allowed.
- b. The H. M. P. No. A-328 of 2018 pending before the Family Court at Nashik shall stand transferred to the Court of Civil Judge Senior Division, Parbhani.
- c. An endeavour be made to decide the proceedings finally as

expeditiously as possible.

- d. The concern court shall transmit the papers immediately.
- e. The parties to appear before the Court of Civil Judge Senior Division, Parbhani on 10.01.2024.
- f. All the proceedings pending at a place where the applicant is residing be preferably posted on same date.
- g. The applicant undertakes to communicate this order and date of appearance to the respondent.

[SHAILESH P. BRAHME, J.]

bsb/Dec. 23