

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

967 MISCELLANEOUS CIVIL APPLICATION NO. 247 OF 2021

Shamshad Ayub Shaikh
@ Shamshad Bashir Pathan,
Age : 28 years, Occ. : Household,
R/o. : C/o. Bashir Sahebkhani Pathan,
Village – Bodhegaon, Tq. Shevgaon,
Dist. Ahmednagar

... APPLICANT

VERSUS

Ayub Kadar Shaikh,
Age : 29 years, Occ. : Teacher,
R/o. : Room No. 103, Jai Ambika Bhavani
Chawl, Akurli Road, Hanuman Nagar,
Wadar Pada Road No. 2, Kandiwali (East)
Mumbai – 400 101

... RESPONDENT

...
Mr. S.P. Joshi – Advocate for Applicant
....

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 22nd June, 2023

PER COURT :

1. It appears that, the learned Counsel – Mr. R.B. Ade for the respondent had assured this Court that he would send notice to his client for giving instructions. However, he did not issue such notice and remained absent on last two occasions. Today also he is not present before the Court.

2. Heard learned Counsel for applicant – wife.

3. The applicant – wife is seeking transfer of Marriage Petition No. A – 1174 of 2021 pending in Family Court No.3, Bandra at Mumbai filed by respondent – husband for restitution of conjugal rights to the Family Court, Ahmednagar.

4. According to the applicant – wife, she is not having any independent source of income and the distance between Mumbai and Ahmadnagar is around 375 Kilometers. As such, she is unable to attend the proceedings at Mumbai. Moreover, she has also filed proceeding under the provisions of Protection of Women from Domestic Violence Act, 2005 against the respondent – husband and his family members in the Court of Judicial Magistrate (First Class), Shevgaon. Besides, criminal prosecution under Section 498 – A of Indian Penal Code is also going on against the respondent – husband at Shevgaon, Dist. Ahmednagar. There is no oppose to the present application and therefore considering the convenience of the applicant – wife, following order is passed :

ORDER

- (i) The application is hereby allowed.
- (ii) The Marriage Petition No. A – 1174 of 2021 pending in Family Court No.3, Bandra at Mumbai is transferred to Family Court, Ahmednagar for disposal according to law.
- (iii) The respondent is directed to appear before the Family Court, Ahmednagar, on or before 15th July, 2023.
- (iv) The application is disposed of accordingly.

**[SANDIPKUMAR C. MORE]
JUDGE**