



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

MISCELLANEOUS CIVIL APPLICATION NO. 258 OF 2023

Sanjana w/o Rohit Rupwate @
Sanjana D/o Rajendra Kharat,
Age : 21 years, Occu. : Household,
R/o Rui, Tal : Rahata,
Dist. Ahmednagar. .. Applicant

Versus

Rohit s/o Tatyaba Rupwate,
Age : 32 years, Occu. : Service,
R/o 2/10, Pawar Chawl, Bhim
Nagar, LBS Marg, Ghatkopar
(West), Mumbai – 400 086. .. Respondent

Shri Yuvraj S. Choudhari, Advocate for the Applicant.
Shri M. L. Dharashive and Shri A. D. Sable, Advocate the
Respondent – absent.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 14TH DECEMBER, 2023.**

FINAL ORDER :

- . Heard the learned counsel for the applicant.
2. When the matter is called out none appeared for the respondent.
3. By way of this application, the applicant is seeking transfer of the proceedings for restitution of conjugal rights filed before the Family Court at Bandra, Mumbai to the Court of Civil Judge Senior Division, Rahata, Dist. Ahmednagar.

3. The learned counsel for the applicant submits that it is not possible for the applicant to attend the proceedings by travelling from Rahata to Bandra, Mumbai. 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 Bandra, Mumbai.

(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 Bandra to Rahata.

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

5. 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 Choudhaury 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.
6. For the reasons stated above, I pass following order.

O R D E R

- a. The Misc. Civil Application is allowed.
- b. The Petition No. A-350 of 2023 pending before the Family Court at Bandra, Mumbai shall stand transferred to the Court of Civil Judge Senior Division, Rahata, Dist. Ahmednagar.

- 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, Rahata, Dist. Ahmednagar on 17.01.2024.
- 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