

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

975 MISC.CIVIL APPLICATION NO.176 OF 2017

**SOFIYA ALIAS SUHANA SALIM TAMBOLI
VERSUS
SALIM RAJASAB TAMBOLI**

Advocate for Applicant : Mr. Wagh Rajendra H.
Advocate for Respondent : Mr. S. B. Kendre
h/f.Mr.Patel Fayaz K.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 06.01.2023

PER COURT :

Heard rival submissions. The applicant is seeking transfer of RCS No. 60/2017 filed by the respondent-husband for restitution of conjugal rights from the Court of Civil Judge, Senior Division, Latur to the Family Court, Aurangabad.

2. The learned counsel for the applicant submits that applicant is not having any independent source of income. Moreover, the distance between Latur and Aurangabad is more than 250 kms. and therefore, it is difficult for the applicant to attend the dates at Latur. Though the learned counsel for the respondent strongly opposed the application, but fairly accepted the fact that the applicant-wife had filed PWDVA case at Aurangabad and after its decision she has started execution proceeding. At the same time, it appears that the

respondent-husband has also preferred an appeal before the Sessions Court, Aurangabad. Under such circumstances, the respondent-husband will have to attend the dates of the aforesaid proceedings at Aurangabad and therefore, considering the convenience of the applicant-wife, following order is passed :

ORDER

The application is hereby allowed.

2. The RCS No. 60/2017 is hereby transferred from the Court of Civil Judge, Senior Division, Latur to the Family Court Aurangabad for disposal according to law.
3. The respondent is directed to appear before the Family Court, on or before 11.01.2023.
4. Application is disposed of accordingly.

(SANDIPKUMAR C. MORE)
JUDGE

.....

shp/-