

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

994 MISC.CIVIL APPLICATION NO.287 OF 2022

**JAYSHREE NILESH KOLI
VERSUS
NILESH SUBASH KOLI**

Advocate for Applicant : Mr. Rahul P. Savale h/f.
Mr. Patil Vinod Prakash
Advocate for Respondent : Ms. Shital Pujari h/f.
Ms.Sunita G. Sonawane

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 03.02.2023

PER COURT :

Leave to correct prayer clause 'B' by mentioning Family Court, Jalgaon instead of Principal District Judge, Jalgaon.

2. Heard rival submissions. The applicant -wife is seeking transfer of H.M.P. No.19/2022 filed by respondent -husband for restitution of conjugal rights, from the Court of Principal District Judge, Dadra and Nagar Haveli at Silvassa to the Family Court, Jalgaon.

3. According to the applicant, she is not having any source of income and she has to look after her daughter who is 5 years old. Moreover, the applicant has filed two proceedings at Jalgaon, one is under Section 125 of the Code of Criminal Procedure and other one is under the provisions of Protection of Women from Domestic Violence Act, 2005. The respondent -husband has already appeared in those

proceedings.

4. The learned counsel for the respondent -husband has strongly opposed the application on the ground that the applicant herself deserted the respondent and her conduct was also not proper.

5. However, it is significant to note that the respondent is already appeared in the proceedings at Jalgaon. Moreover, it would be difficult for the applicant to travel the distance of more than 400 kms. for attending the dates at Silvassa especially when she is having 5 years old daughter to look after. Therefore, considering the convenience of the applicant, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) H.M.P. No.19/2022 is hereby transferred from the Court of Principal District Judge, Dadra and Nagar Haveli at Silvassa to the Family Court, Jalgaon for disposal according to law.
- (iii) The parties are directed to appear before Family Court, Jalgaon, on or before 01.03.2023.
- (iv). Application is disposed of accordingly.

(SANDIPKUMAR C. MORE)
JUDGE

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shp/-