

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

972 MISC.CIVIL APPLICATION NO.339 OF 2022

**KALYANI PRASHANT DEVARE
VERSUS
PRASHANT BHAUSAHEB PATIL**

...
Advocate for Applicant : Mr.Atmaram J. Patil h/f.
Mr. Anil Balajirao Parde
Advocate for Respondent : Mr. Ashwin V. Hon
...

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 23.06.2023

PER COURT :

1. Heard rival submissions.
2. The applicant – wife is seeking transfer of Petition A-234/2022 filed by respondent- husband for restitution of conjugal rights, from the Family Court, Dhule to the Family Court at Jalgaon.
3. According to the applicant-wife, she is not having any independent source of income. Moreover, she has also filed a proceeding under the provisions of Protection of Women from Domestic Violence Act, 2005 against the respondent - husband in the Court of Judicial Magistrate First Class, Jalgaon wherein the respondent – husband has already appeared.
4. The learned counsel for the respondent- husband strongly opposed the application on the basis of affidavit in reply filed by the respondent -husband on the ground that the distance between Dhule and Jalgaon is hardly 90 kms. and the respondent is ready to bear the

expenses of travelling.

5. However, it is significant to note that the respondent is already attending the dates at Jalgaon in the proceeding under PWDV Act, and therefore considering the convenience of the applicant -wife, following order is passed.:

ORDER

- (i) The application is hereby allowed.
- (ii) The Petition A-234/2022 pending in the Family Court, Dhule is transferred to the Family Court at Jalgaon for disposal, according to law.
- (iii) The respondent is directed to appear before the Family Court at Jalgaon on or before 15/07/2023.
- (iv) The proceeding under the provisions of Protection of Women from Domestic Violence Act, 2005 Act bearing PWDVA No. 122/2022 filed by the applicant - wife in the Court of concerned JMFC, Jalgaon is also transferred to the Family Court at Jalgaon for its simultaneous disposal alongwith the proceeding of restitution of conjugal rights which is ordered to be transferred under this order.
- (v) The applicant -wife shall not give any threats to the respondent -husband through her close relatives at the time of attending dates at Family Court, Jalgaon.
- (vi) The application is disposed of accordingly.

(SANDIPKUMAR C. MORE)
JUDGE

shp/-