



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

MISC. CIVIL APPLICATION NO. 306 OF 2023

Sonali W/o Rahul Jadhav,
@ Sonali D/o Dyaneshwar Salunke,
Age : 20 years, Occu. : Household,
R/o C/o Dnyaneshwar Rangnath
Salunke, Shirasgaon, Tq. Newasa,
Dist. Ahmednagar .. Applicant

Versus

Rahul S/o Kaduba Jadhav,
Age : 30 years, Occu. : Labour,
R/o C/o Kaduba Keshavrao Jadhav,
Kumbharwada, Daulatabad,
Tq. & Dist. Aurangabad. .. Respondent

Ms. Pooja V. Langhe, Advocate for the Applicant.
The Respondent is served.

CORAM : SHAILESH P. BRAHME, J.
DATE : 30TH NOVEMBER, 2023.

FINAL ORDER :

- . Heard the learned counsel for the applicant.
2. When the matter is called out none appears for the respondent. The respondent is duly served.
3. By way of this application, the applicant is seeking transfer of the proceedings for restitution of conjugal rights filed before the Court of Civil Judge Senior Division, Aurangabad to the

Court of Civil Judge Senior Division, Newasa, 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 Newasa to Aurangabad. She has ailing parent and she cannot travel alone. The applicant is also having liability of small daughter. She is unable to travel with the small girl.

4. I have considered submissions made by the applicant. I record following findings.

(i) It is inconvenient for the applicant to travel and attend the proceedings at Aurangabad.

(ii) She has no source of income and she is staying with her parent. She is also having small daughter with her.

(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 Newasa to Aurangabad.

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

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

O R D E R

- a. The Misc. Civil Application is allowed.
- b. The H. M. P. No. 98 of 2023 pending before the Court of Civil Judge Senior Division, Aurangabad shall stand transferred to the Court of Civil Judge Senior Division, Newasa, 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, Newasa, Dist. Ahmednagar on 20.12.2023.
- f. All the proceedings pending at a place where the applicant is residing be preferably posted on same date.
- g. The applicant undertakes to inform this order to the respondent and communicate the date of appearance.

[SHAILESH P. BRAHME, J.]

bsb/Nov. 23