



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

MISC. CIVIL APPLICATION NO. 308 OF 2023

Shilpa Atul Ukkadgaonkar .. Applicant

Versus

Atul Arunrao Ukkadgaonkar .. Respondent

Shri Abhay R. Rathod, 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, though 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, Gangakhed to the Family Court at Aurangabad.
4. The learned counsel for the applicant submits that it is not possible for the applicant to attend the proceedings by travelling from Aurangabad to Gangakhed. She is staying with her parents and having one daughter from the wedlock. She cannot travel

alone.

5. I have considered the submissions advanced by the learned counsel for the applicant. I record following findings.

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

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

(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 Gangakhed to Aurangabad.

(v) The applicant has initiated proceedings at Aurangabad 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 Choudhary 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. 25 of 2023 pending before the Court of Civil Judge Senior Division, Gangakhed, Dist. Parbhani shall stand transferred to the Court of Principal Judge, Family Court Aurangabad.
- 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 Principal Judge, Family Court Aurangabad on 20.12.2023. The learned counsel for the applicant and the applicant shall communicate this order to the respondent.

f. All the proceedings pending at a place where the applicant is residing be preferably posted on same date.

[SHAILESH P. BRAHME, J.]

bsb/Nov. 23