

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

993 MISC.CIVIL APPLICATION NO.318 OF 2022

**DHANASHRI VINOD BADVE @ DHANASHRI JAGDISH PASHAN
VERSUS
VINOD LAXMIKANT BADVE**

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Mr. H.V. Tungar, Advocate for the applicant.
Mr. K.R. Doke, Advocate for the respondent.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 02.02.2023.

ORDER:-

1. Heard rival submissions. The applicant – wife is seeking transfer of HMP No.66/2021 filed by respondent - husband for restitution of conjugal rights, from the Court of Civil Judge (Senior Division), Malshiras, District Solapur to the Court of Civil Judge (Senior Division), Ahmednagar.
2. According to the applicant-wife, she is not having any independent source of income and she is also having two years daughter to look after and to go to Malshiras, she will have to stop at 4 places to change the bus. As such, it is not possible for her to attend the dates at Malshiras.
3. The learned Counsel for the applicant submits that the applicant resides at Kada, Tahsil Ashti which is nearer to Ahmednagar than Beed. However, the learned Counsel for the respondent strongly opposed the application on the ground that though the convenience of the wife is to be seen, but intentional inconvenience of the husband is also to be taken

into consideration. Here in this matter, Beed appears 85 kms away from the residence of applicant and comparatively the Court of Civil Judge (Senior Division), Ahmednagar is only 45 kms away. However, the respondent husband will also require to come to Ahmednagar if the proceedings are transferred to Civil Judge (Senior Division), Ahmednagar. The learned Counsel for the respondent fairly submitted that instead of court at Ahmednagar, the matter can be transferred to Beed, so that both the parties would feel convenience. The learned Counsel for the applicant is also agreed for the same and therefore, following order is passed.

ORDER

- (i) The application is hereby allowed.
- (ii) HMP No.66/2021 is hereby transferred from the Court of Civil Judge (Senior Division), Malshiras to the Court of Civil Judge (Senior Division), Beed for it's disposal according to law.
- (iii) The respondent is directed to appear before the learned Civil Judge (Senior Division), Beed on or before 1st March, 2023.
- (iv) The application is disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)