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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISCELLANEOUS CIVIL APPLICATION NO.488 OF 2022

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Sandhyarani Aakash Jagdale

... Applicant

V/s.

Aakash Sudhakar Jagdale

... Respondent

Mr. B.A. Lawate for the applicant.

CORAM : AMIT BORKAR, J.

DATED : MARCH 3, 2023

P.C.:

1. This miscellaneous civil application is by wife seeking transfer of proceedings pending before Civil Judge Senior Division, Vaduj to Civil Judge Senior Division, Pandharpur.

2. The marriage between applicant and respondent took place on 2nd July 2021. Due to matrimonial differences, parties started residing separately. The respondent, therefore, filed Hindu Marriage Petition No.54 of 2022 for restitution of conjugal rights under section 9 of the Hindu Marriage Act before Civil Judge Senior Division, Vaduj on 2nd March 2022. Curiously, the wife has also filed application for restitution of conjugal rights under section 9 of the Hindu Marriage Act before Civil Judge Senior Division, Pandharpur on 10th March 2022.

3. Present miscellaneous civil application has been filed mainly

on the ground that the applicant is physically challenged as she is 40% disabled of one leg. It is causing hardship for her to attend the proceedings at Vaduj. The distance between the residence of the applicant and the Court at Vaduj is around 150 kms.

4. This Court by order dated 9th December 2022 issued notice to the respondent. Office remark dated 22nd February 2023 indicate that the respondent is duly served through Court.

5. Despite service, respondent has failed to appear either personally or through advocate.

6. Considering the reasons stated above, namely, that the applicant is physically challenged as she is 40% disabled by one leg and the distance between her residence and the Court at Vaduj is around 150 kms., the applicant has made out a case for transfer.

7. The miscellaneous civil application is allowed in terms of prayer clause (b).

8. Since both the parties are seeking same relief of restitution of conjugal rights, learned Civil Judge Senior Division, Pandharpur shall consider the relief sought by both parties and pass appropriate order.

(AMIT BORKAR, J.)