



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 MISC. CIVIL APPLICATION NO. 39 OF 2020

Devaki Bhagwat Shejul And Another

VERSUS

Bhagwat Vishnu Shejul

...

Advocate for Applicant : Mr. T.M. Venjane

Advocate for Respondent : Mrs. Pratibha I. Jadhav

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CORAM : ARUN R. PEDNEKER, J.

Dated : March 08, 2024

PER COURT :-

1. Heard the learned counsel for the parties.
2. By way of present MCA, the applicants (wife and minor daughter) are praying for transfer of Hindu Marriage Petition No. 315/2019 filed by the respondent/husband for restitution of conjugal rights to the Court of learned Civil Judge, Senior Division, Nilanga from the Court of Civil Judge, Senior Division, Aurangabad.
3. The learned counsel for the applicants submits that applicant No. 1/wife married with respondent/husband on 27.4.2016 and out of the said wedlock, she is having seven years child (applicant No. 2). Due to certain disputes, she is staying with her parents at village Lambota, Tq. Nilanga, District Latur. She is a housewife. She has no independent source of income. The distance between Nilanga to Aurangabad is 330 k.m. She has filed two proceedings at Nilanga Court, one is under the Domestic Violence Act and another is under section 125 of the Criminal Procedure Code. If the proceeding filed by the husband is not transferred to Nilanga Court, great hardship and inconvenience will be caused to the applicant/wife. The learned counsel for the applicants submits that respondent is having business and also having agricultural income and if the proceeding filed by the husband is transferred to Nilanga, the husband will be able to conduct the said proceeding and no hardship will be caused to the respondent. As

such, the learned counsel submits that all the proceedings can be conducted at Nilanga.

4. The learned counsel appearing for the respondent/husband strongly opposed the prayer for transfer of the proceedings from Aurangabad Court to Nilanga Court.

5. Having considered the application filed by the wife, I deem it appropriate to transfer the HMP No. 315/2019 from Aurangabad Court to Nilanga Court as the applicant is housewife, having no independent source of income and she has to look after the seven years child and great hardship and inconvenience will be cause to the wife, if the petition is not transferred.

6. In the result, MCA is allowed in terms of prayer clause 'B', which is as under :-

"B] Be pleased to transfer the Hindu Marriage Petition No. 315/2019 filed for restitution of conjugal rights, by the respondent (husband) before Ld. Civil Judge, Senior Division, Aurangabad to the Ld. Civil Judge, Senior Division, Nilanga."

7. It is further directed that as far as possible common dates should be granted in all the three proceedings at Nilanga. The respondent/wife should not take unnecessary adjournment and in the event, she wish to take adjournment, the applicant wife should intimate about adjournment in advance to the learned counsel for the husband.

8. If possible, the respondent husband be granted permission to conduct the proceedings on Video Conference from Aurangabad Court.

9. With the above observations, the MCA is disposed of.

(ARUN R. PEDNEKER, J.)

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