



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

917 MISC.CIVIL APPLICATION NO. 237 OF 2023

Shagufta W/o Irafan Pathan

....Applicant

VERSUS

Irafan S/o Kadar Pathan

.....Respondent

.....

Advocate for Applicant : Mr. A.N. Pedgaonkar

Advocate for Respondent : Mr. Shubham Pawar h/f. Mr. R.R. Karpe

.....

CORAM : ARUN R. PEDNEKER, J.

Dated : January 05, 2024

PER COURT :-

1. Heard the learned counsel for the parties.
2. By way of present application, the applicant is seeking transfer of RCS No. 06/2022 pending before the Civil Judge, Junior Division, Karjat to the Civil Judge, Junior Division, Satara. The said proceedings is filed by the husband under section 281 of Muslim Law Code.
3. The learned counsel for the applicant/wife submits that the wife is presently residing at Satara with her parents as she lost her earlier job. The learned counsel submits that respondent has deserted the applicant and the above proceeding is filed only with a view to shield from any criminal complaint that can be filed against him. The learned counsel submits that applicant is jobless and the respondent is not paying any maintenance. The father of respondent is retired stenographer and he has some health issues. Marriage of the applicant and respondent had also taken place at Satara. The learned counsel further submits that respondent is an I.T. Engineer and earning about Rs.70,000/- per month. The learned counsel, therefore, prays to transfer RCS No. 6/2022 pending before the Court of Karjat to the Court at Satara.

4. Per contra, the learned counsel for the respondent submits that applicant is capable and competent to earn income. She is holding degree of M.Sc. Tech and she is capable to defend the proceedings filed at Karjat. The learned counsel further submits that the application of the wife for interim maintenance has been rejected by the Civil Court against which the appeal is pending.

5. Taking into consideration the totality of the facts and circumstances of the case, I hold that it is inconvenient for the applicant/wife to travel and attend the proceedings filed by the husband at Karjat as she has no source of income at present and she is staying with her parents and hardship will be caused to the wife. There is nothing on the record to show that the respondent is unable to attend the proceedings by travelling from Karjat to Satara. In view of the above, I deem it appropriate to transfer the proceedings filed by husband at Karjat to Satara. Hence, RCS No. 6/2022 filed by the husband is transferred from Civil Judge, Junior Division, Karjat to Civil Judge, Junior Division, Satara. The Misc. Civil Application is allowed and disposed of accordingly.

[ARUN R. PEDNEKER J.]

ssc/