



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

84 MISC.CIVIL APPLICATION NO. 281 OF 2023

Mrs.pooja W/o Nikhil Kedari
Nee Pooja Ganeshrao SableApplicant

VERSUS

Nikhil S/o Sampat KedariRespondent

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Mr. Y. L. Bidve, Advocate for Applicant

Mr. Z. H. Farooquui, Advocate for the Respondent.

CORAM : R. M. JOSHI, J.

DATE :24th JUNE, 2024.

PER COURT :

1. Affidavit-in-reply is taken on record.
2. This Application is filed for transfer of Marriage Petition No. 71/2023 filed under Section 9 of the Hindu Marriage Act for restitution of conjugal rights by Respondent/husband against the Applicant/wife, pending before Civil Judge, Senior Division, Ahmednagar.
3. Applicant/wife contends that she is resident of Rajur Ganpati, Dist. Jalna and that due to inconvenient transport facilities, it is not possible for her to attend the said proceeding at Ahmednagar

which is at a distance of about 220 kms. It is also submitted that the criminal proceeding filed by the applicant against husband are pending before Judicial Magistrate First Class, Bhokardan. And Petition filed before Family Court, Jalna. According to learned counsel for the applicant, in any case, Respondent is required to attend the said proceeding in District Jalna and hence no prejudice will be caused to the Respondent if Marriage Petition No. 71/2023 is transferred.

4. Learned counsel for Respondent opposed the said contention. By referring to affidavit-in-reply, it is his submission that the application made by the applicant is not genuine. He further states that if the proceedings are transferred from Ahmednagar to Jalna, the possibility of settlement which otherwise exists between the parties will vanish. He further states that travel between Jalna and Ahmednagar is not inconvenient in view of Samruddhi Mahamarg.

5. Perusal of the record shows that the proceedings filed by applicant/wife against the Respondent is pending in Family Court at Jalna. Undisputedly, distance between Ahmednagar and Jalna is

more than 200 kms. Applicant has specifically averred that it is inconvenient for her to travel as she is also required to take care of her parents.

6. In view of these facts, this Court finds that no prejudice will be caused to the Respondent if the proceedings pending before Civil Judge, Senior Division, Ahmednagar being Marriage Petition No. 71/2023 is transferred to the Court of Civil Judge Junior Division, Jalna. Hence, the Application stands allowed. Learned Civil Judge Senior Division, Jalna is directed to fix the hearing of this Petition only on the date of hearing of Petition E No. 41/2023 pending before the Family Court. Parties to appear before the concerned Court on 08.07.2024.

(R. M. JOSHI)
Judge

dyb