



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO. 303 OF 2023

FIRDOUS ZEBA W/O ATIQ UR REHMAN
VERSUS
ATIKUR REHMAN S/O KADIR UR REHMAN

Mr. V. S. Borkar, Advocate for the applicant

CORAM : R. M. JOSHI, J.

DATE : 19th JULY, 2024

PER COURT :-

1. Despite of service of notice, respondent is absent. This indicates that respondent is not interested to oppose the application.

2. Applicant claims herself to be wife of respondent. She has filed these proceedings i.e. criminal application under the DV Act bearing No. 523/2022, execution petition bearing No. 138/2022, an appeal for enhancement of the interim maintenance and petition under Section 125 of Cr.P.C. bearing No. E-200/2021, which are pending in Courts at Aurangabad. Being lady, she finds it difficult to travel distance of about more than 250 kms from Aurangabad to Kandhar, District Nanded, where R.C.S. No. 160/2022 is filed by the respondent, which is pending before the CJSD, Kandhar. This application is for transfer of this proceeding to Aurangabad.

3. The contention of the applicant has gone unchallenged. Considering the pendency of proceedings against the respondent, in any case he would be required to attend Courts at Aurangabad. As such, no prejudice will cause to the respondent if R.C.S. No. 160/2022 is transferred to Aurangabad. However, by rejection of application greater loss will cause to the applicant, as she may not be able to defend effectively proceedings against him at Kandhar.

4. Hence, application is allowed in terms of prayer clause 'B'.

5. In order to ensure that the respondent is not harassed by calling him to Aurangabad on different dates of hearing, all these proceedings are directed to be placed on the same date. It will be the responsibility of the applicant to inform this order to the concerned Courts, for compliance.

(R. M. JOSHI, J.)

ssp