



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

928 MISC.CIVIL APPLICATION NO. 386 OF 2023

VRUSHALI RAHUL LOKHNDE
VERSUS
RAHUL CHANDAR LOKHANDE

...
Advocate for Applicant : Ms.Usha N. Jadhao h/f Ms. Bharad Pratibha
Jagdish

...

CORAM : R. M. JOSHI, J.

Dated : June 25, 2024

PER COURT :-

1. In this application, the applicant seeks transfer of HMP No.1157/2023 filed before the Civil Judge, Senior Division, Pune to Family Court, Ahmednagar.

2. Respondent is duly served with the notice of this application but he is absent. This indicates that respondent is not interested in opposing the application.

3. From submissions made on behalf of applicant it seems that she is resident of Ahmednagar. She claims to be in poor financial condition. Owing to the same, it is not possible for her frequently travel to Pune to attend the proceedings filed by respondent at Pune.

4. Learned Counsel for applicant makes solemn statement that the applicant is not being maintained by respondent/husband. She further

points out that the proceedings for Restitution of Conjugal Rights filed by the applicant bearing No.234/2023, is pending before the Family Court, Ahmednagar. Similarly, Criminal Misc. Application No.824/2021 filed under the Protection of Women from Domestic Violence Act, 2005 is also pending before the Judicial Magistrate First Class, Ahmednagar. Thus, it is her contention that in any case no prejudice is likely to be caused to the respondent if the proceedings filed by him is transferred to Ahmednagar as in event he would be required to attend proceedings filed by the applicant. The learned Counsel for the petitioner also makes statement that the Hindu Marriage Petition No.1157/2023 filed before Civil Judge, Senior Division, Pune be transferred to Family Court, Ahmednagar as proceedings for Restitution of Conjugal Rights filed by the applicant is pending before the same.

5. As observed here in above, the respondent has no inclination to oppose the application. The contentions raised by the applicant have gone uncontroverted. This Court therefore finds substance in the contention of the Counsel for the applicant that since respondent is required to attend the proceedings at Ahmednagar. In such

circumstances, transfer of Marriage Petition No.1157/2023 pending before Civil Judge, Senior Division, Pune to Family Court, Ahmednagar will not cause any prejudice to him.

6. Hence, application is allowed. Hindu Marriage Petition No.1157/2023 pending on the file of 4th Joint Civil Judge, Senior Division, Pune be transferred to the Family Court, Ahmednagar.

7. Parties are directed to appear before the Family Court on 24/07/2024.

(R. M. JOSHI, J.)

vj gawade/-.