



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

948 MISC.CIVIL APPLICATION NO. 170 OF 2024

FIRDOS BEGUM W/O SHAIKH SAMIR @ FIRDOS BEGUM D/O SAYYAD
CHAND PATEL

VERSUS

SHAIKH SAMIR S/O. SHAIKH HASAN

Mr. Sanket S. Kulkarni a/w. Mr.S.D. Tirse h/f. Mr. Suvidh Kulkarni,
Advocate for the applicant.

Mr. S.R. Shirsat, Advocate for sole respondent.

CORAM : KISHORE C. SANT, J.

DATE : 08.10.2025

PC :-

01. This application is for transfer of two proceedings from the Court of learned District Judge, Beed to the Court of learned Judge, Family Court at Aurangabad and another from the Court of learned Judge, Family Court, Beed to the Court of learned Judge, Family Court at Aurangabad.

02. Learned Advocate for the applicant vehemently argued that wife is residing at Aurangabad with her 22 months child. There are three cases instituted at Aurangabad i.e. two criminal cases and one proceeding under the provisions of Protection of Women from Domestic Violence Act. She finds it difficult to travel to Beed with the small child. Learned Advocate therefore prays for allowing the application.

03. This application is vehemently opposed by learned Advocate Mr. S.R. Shirsat for the respondent. He submits that the applicant does not deserve any relief from this Court as she has not come with clean

hand. He submits that in the custody matter, there are orders passed granting vegetation right to the respondent. In spite of that no vegetation right is given. This Court has passed orders on various occasions directing the wife to bring the child in the Court premises, so that the respondent can see his child. However, that is also not done. In view of such conduct, no application be considered.

04. There are remedies available to seek enforcement of the orders passed by this Court. This Court at this stage need not go into that aspect.

05. For the reasons stated in the application and as argued before this Court, this Court is convinced that the application needs to be allowed. Hence, following orders.

- i) This Misc. Civil Application is allowed in terms of prayer clauses (B) and (C).
- ii) The applicant-wife shall not seek unnecessary adjournments. If the Trial Court finds that the applicant-wife has sought unnecessary adjournments, the Trial Court may impose costs upon the applicant-wife, compensating the husband, if he personally remains present in the Court.
- iii) If the respondent-husband makes request for appearing through video conference, same shall be considered by

the Trial Court liberally.

- iv) Considering that the proceedings is of 2023, the Trial Court is expected to dispose off the same as early as possible and preferably within one year from today.

[KISHORE C. SANT, J.]