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

70 MISC.CIVIL APPLICATION NO. 240 OF 2024

SAU. SANCHITA W/O SUSHIL RAUT

....Applicant

VERSUS

SUSHIL S/O BHASKARRAO RAUT

.....Respondent

Mr. A. D. Sonar, Advocate for the applicant
Mr. S. B. Kadu, Advocate for the respondent

CORAM : KISHORE C. SANT, J.

DATE : 16th JANUARY, 2025

P. C.

1. This application is moved seeking transfer of the proceeding bearing PA-No. 243/2024 pending in the court of learned Family Court, Aurangabad to the Family Court at Dhule.

2. The applicant is the wife against whom the present respondent has filed the petition in Family Court at Aurangabad for restitution of conjugal rights under Section 9 of the Hindu Marriage, Act.

3. The learned advocate for the applicant submits that the applicant is presently residing at Dhule with her parents. Even before filing of the petition, because of the physical harassment and cruelty, the applicant was required to file FIR on 23-04-2024 bearing Crime No. 0203/2024 in the city Police Station, Dhule. There is also a petition pending filed in the court at Dhule under Section 125 of the Cr. P. C. bearing No. E-45/2024. The respondent only thereafter filed the petition at Aurangabad. There is no one fit person in the family to accompany the applicant to come to Aurangabad for attending the petition. He, thus, prays for allowing the application. He relied upon the following judgment. (i) Reported in 2002 AIR (SC) 396 in the case of Sumita Singh Vs Kumar Sanjay. (ii) Reported in 2011 (3) Bom CR 866 Anita Vs Balkrishna.

4. The learned advocate for the respondent vehemently opposed the application. He submits that the jurisdiction is with the Family Court at Aurangabad and there is no dispute. The distance between two places is only around 170 km. The

distance is not much, which would make impossible to attend the court at Aurangabad. He, thus, prays for rejection of the application.

5. This court considered the rival submissions. There is no dispute that criminal complaint pursuant to the FIR by the wife is pending at Dhule. One maintenance proceeding is also pending at Dhule. The respondent, as it is, is required to attend those two proceedings at Dhule. Considering that there is no one to accompany the applicant, this court is of the opinion that it would be in the interest of justice to transfer the proceeding pending at Aurangabad to the court at Dhule. Hence, the following order.

ORDER

- i] The application stands allowed.
- ii] The proceeding PA-243/2024 pending in the Family Court at Aurangabad be transferred to the Family Court at Dhule.

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iii] The application stands disposed off.

[KISHORE C. SANT, J.]

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