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11-mca-287-24

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

11 MISC.CIVIL APPLICATION NO. 287 OF 2024

SONAM ABHIMANYU JAMALE

VERSUS

ONKAR SUKHDEO MALI

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Advocate for Applicant : Mr. Manoj U. Shelke

Advocate for Respondent : Mr. R/sole Served Personally

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CORAM : KISHORE C. SANT, J.

DATE : 17.02.2025

PER COURT :

1. Heard the learned Advocate for the Applicant.
2. In spite of service, none appears for the respondent.
3. This application is filed for transfer of H.M.P No. 59 of 2024 from the Court of learned Civil Judge, Senior Division, at Vita, Tal. Khanapur, Dist. Sangli to the Court of learned Judge, Family Court, at Dharashiv, Tal. and Dist. Dharashiv.
4. The learned Advocate for the applicant submits that the distance between two places is about 238 k.m. There is no one to accompany to applicant for the purpose of travelling. Moreover, the applicant has no

source of income to bear the expenses. The respondent filed proceeding under Section 9 of the Hindu Marriage Act for restitution of conjugal rights in the Court of learned Civil Judge, Senior Division, at Vita, Tq. Khanapur, District Sangli. She thus prays for transfer of proceedings.

5. The learned counsel for the applicant relied on the following judgments :

1) Sau Kalpana w/o Pankaj Rozatkar vs. Pankaj s/o Supadu Rozatkar, MCA No. 53 of 2012.

2) Sunita Manoj Goud Vs. Manoj Sagarmal Goud, MCA No. 58/2011.

6. In view of the same,, Application is allowed in terms of prayer clause (B).

7. After the proceeding is transferred, the applicant-wife shall co-operate in speedy disposal of the proceedings without seeking unnecessary adjournments. If the Court finds that unnecessary adjournments are sought by the applicant, the Court may pass appropriate order compensating the respondent whenever he attends the court proceedings.

8. The learned Judge, Family Court, Dharashiv shall try to dispose of the proceeding as early as possible and preferably within eighteen (18) months from the date of transfer of the proceeding.

9. With this, application stands disposed off.

(KISHORE C. SANT)
JUDGE

shp/-