



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

MISC. CIVIL APPLICATION NO. 309 OF 2024

NILOFAR SULTAN SAYYAD

VERSUS

SULTAN RAJJAK SAYYAD

...

Advocate for Applicant : Mr. Munde Sachin B

Advocate for Respondent : Mr. Shaikh Majit S.

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CORAM : ABHAY J. MANTRI, J.

DATE : 09TH JUNE, 2026

PER COURT :

1. The Applicant has filed an Application seeking transfer of Regular Civil Suit No. 232/2024, filed by the Respondent for restitution of conjugal rights under Section 281 of the Muslim Law before the learned Civil Judge Junior Division, Shrirampur, to the learned Civil Judge Senior Division, Aurangabad.

2. Heard the learned Advocate for both parties. Perused the record.

3. At the outset, it appears that the Applicant has filed proceedings under the provisions of the Domestic Violence Act as well as under Section 498-A of the Indian Penal Code, against the Respondent. Both the proceedings are pending before the learned Judicial Magistrate First Class at Aurangabad. Applicant has a seven-year-old daughter and

no source of income; therefore, it is difficult for her to travel to and attend the proceedings at Shrirampur, which is approximately 70 kms away from Aurangabad. Therefore, she has moved this Application.

4. Although the Respondent opposed the Application, he failed to file a reply. The failure to file a reply leads to drawing an adverse inference that the Respondent has no grievance regarding the averments in the Application. Therefore, I do not find substance in the oral objection made by the Respondent. However, the learned Advocate for the Applicant assured that he will not object to keeping all the proceedings on one day.

5. Having considered the above facts that the Applicant has no source of income and her minor daughter is residing with her, it is inconvenient for her to travel and attend the proceedings at Shrirampur.

6. Thus, in view of the above facts and the law laid down in *Aishwarya Versus A.S. Sarvana Karthik Sha, AIR Online 2022 SC 1268*, it would be appropriate to transfer the proceedings bearing RCS No. 232/2024 from the learned Civil Judge Junior Division, Shrirampur, to the Civil Judge Senior Division, Aurangabad, to avoid inconvenience caused to the Applicant/wife.

7. Consequently, **the Application is allowed in terms of prayer clause 'B'.**

8. Inform the concerned Courts accordingly.
9. The Application is disposed of.

(ABHAY J. MANTRI, J.)

SPC