

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

MISC. CIVIL APPLICATION NO.92 OF 2014

Sow.Snehal @ Vaishali
w/o Brahmanand Suryawanshi,
Age 25 years, Occu. Household,
R/o 1-9-1577, Khobragade Nagar,
Nawa Mondha, Nanded,
Taluka and District Nanded

..Applicant

Versus

Brahmanand s/o Vitthalrao Suryawanshi,
Age 36 years, Occu. Service,
R/o Prakash Nagar, Vitthal Nagar,
Near Sunita Pithachi Girni, Latur,
Taluka and District Latur

..Respondent

Smt. Sangmitra Wadmare, Advocate for applicant
Mr Shrikant Veer, Advocate for respondent

CORAM : N.W. SAMBRE, J.
DATE : 20th July 2015

PER COURT

Heard Counsel for respective parties.

2. The proceedings H.M.P. No.122/2014 pending on the file of Civil Judge, Senior Division at Latur are sought to be transferred to the Court of Civil Judge, Senior Division at Nanded.

2. The transfer is sought on the ground that the applicant is residing with her parents and is facing hardship in traveling to Latur for attending the proceedings.

3. The prayer is objected by the respondent who is government servant on the ground that the applicant is not resident of Nanded. According to him, she has moved present application so as to cause inconvenience to the respondent. Apart from above, the ground as regards tenability of present application is also made.

4. In view of the law laid down by the Apex Court in the matter of **Sumita Singh Vs. Kumar Sanjay & anr.**, reported in **AIR 2002 SC 396**, convenience of wife should be considered while dealing with transfer of matrimonial proceedings.
5. In the present case, the contents of the application reflect that the applicant has specifically pleaded hardship faced by her and the treatment meted to her by the respondent, who is working in Police department.
6. In view of the law laid down by the Apex Court in the matter of Sumita Vs. Kumar Sanjay cited supra, it will be appropriate to allow the present application.
7. As such, Misc. Civil Application stands allowed in terms of prayer clause (B), which reads thus :

“(B) The Hindu Marriage Petition bearing No.122/2014 pending before Civil Judge Senior Division at Latur may kindly be transferred to Civil Judge Senior Division at Nanded.”

(N.W. SAMBRE, J.)

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