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

MISC. CIVIL APPLICATION NO.104 OF 2014

Priyanka w/o Santosh Sarwade,
Age 30 years, Occu. Household,
R/o Siddharth Nagar, Behind
Swasth Hospital, Lal Taki road,
Ahmednagar ..Applicant

Versus

Santosh s/o Tatyaba Sarwade,
Age 35 years, Occu. Service,
R/o Flat No.A-19, Panchratna
Niwas, Swarnapark, Pimple Gurav,
N-Vayu Pitra Supermarket,
Pune 411 027 ..Respondent

Mr U.D. Dalvi, Advocate for applicant
Respondent served

CORAM : N.W. SAMBRE, J.

DATE : 29th June 2015

PER COURT

1. In view of affidavit of compliance of order dated 13th April 2015, the service on the respondent is completed.

2. The respondent though served, none appears.

3. Heard learned Counsel for the applicant.

4. It is noted by this Court that by way of present proceedings, the prayer is made that the proceedings being Marriage Petition No.400 of 2014 on the file of 6th Joint Civil Judge, Senior Division, Pune be transferred to the Court of Civil Judge, Senior Division, Ahmednagar. The said proceedings are pertaining to divorce.

5. In addition to above, the learned Counsel for the applicant would urge that another proceedings bearing Criminal Misc.Application No.278 of 2014 initiated under the provisions of Domestic Violence Act are pending on the file of Ahmednagar Court. The proceedings under Section 125 are also pending before the Court at Ahmednagar.

6. In addition to above, the applicant is facing hardship in approaching the Court at Pune, as her minor daughter is residing with the applicant.

7. In view of above referred background and having considered the law laid down by the Apex Court in the matter of **Sumita Singh Vs. Kumar Sanjay and another** reported in **AIR 2002 SC 396** that the convenience of female is required to be taken into account, it will be appropriate to grant present application in terms of prayer clause (B), which reads thus :

> "**B.** Divorce Petition bearing Marriage Petition No.400 of 2014 pending before the Court of Hon'ble 6th Joint Civil Judge, Senior Division, Pune may kindly be transferred to Court of Civil Judge, Senior Division at Ahmednagar."

8. Misc.Civil Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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