

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

Misc. Civil Application No. 106 of 2015

Sonali Kiran Rathod. **.. Applicant.**

Versus

Kiran Narayanrao Rathod. **.. Respondent.**

Shri. Ravindra J. Nirmal, Advocate, for applicant.

Shri. Suvidh S. Kulkarni, Advocate, for respondent.

CORAM: T.V. NALAWADE, J.

DATE : 21st OCTOBER 2015

ORDER:

1) The application is filed for transfer of Hindu Marriage Petition No.35/2015 which is presently pending in the Court of Civil Judge, Senior Division, Basmatnagar, District Hingoli to the Court from Jalna where the wife is staying.

2) The submissions made show that the wife is employed in a Zilla Parishad school from Aundha Nagnath. Distance between Aundha Nagnath and Jalna is 120 kms. Learned counsel appearing for the wife submits that the

wife is commuting between these two places every day when she is having a three years daughter. The distance between Aundha Nagnath and Basmathnagar is hardly 30 kms. The husband is working in a school from Tahsil Aundha Nagnath and so the place Basmathnagar where they lastly cohabited will be convenient for both of them. In such a case place of wife needs to be considered. Presently wife is serving in a school at Aundha Nagnath.

3) Learned counsel for the wife submits that one untoward incident took place in the school from Aundha Nagnath and the Headmaster was required to give report against the husband that he had come there and he had quarrel with the wife. The incident took place in a school from Aundha Nagnath and only due to this incident it cannot be said that the matter needs to be transferred to a place like Jalna which is situated at a distance of 120 kms. Husband will also have to travel that distance if the matter is transferred. Learned counsel for the wife submits that one more proceeding under the Protection of Women from Domestic Violence Act 2005 is pending in the Court from Jalna and for that matter the husband is

required to go to Jalna. Though this circumstance is there, both the wife and husband are working in Tahsil Aundha Nagnath. Considering the place of their posting, Basmathnagar is the convenient place for both of them. Learned counsel for the wife placed reliance on a case reported as **AIR 2002 SC 396 (Sumita Singh v. Kumar Sanjay)**. In this case, the Apex Court has observed that difficulty of woman needs to be considered in such cases. There cannot be dispute over this proposition. In that case the distance between two places was 1100 kms. In the present case the wife is commuting everyday between two places of distance of 120 kms. In the result, the application is rejected.

Sd/-
(**T.V. NALAWADE, J.**)

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