

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

MISC. CIVIL APPLICATION NO. 158 OF 2014

AKANKSHA GANESH BASUTKAR
VERSUS
GANESH DEVIDAS BASUTKAR

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Advocate for Applicant : Mr. Agrawal Pavankumar S.

Advocate for Respondent : Mr. Imale Ramesh R.

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CORAM : **N. W. SAMBRE, J.**

DATE : 04th August, 2015.

Per Court:

1 By the present application, the Applicant – wife is seeking transfer of the proceedings bearing Hindu Marriage Petition No.460 of 2014, pending on the file of Civil Judge (Senior Division), Thane to the Court of Civil Judge (Senior Division), Parbhani.

2 Admittedly, in the present case, marriage took place within the jurisdiction of Thane and the Applicant at the relevant time was residing at Thane. Apart from above, after leaving the said place, the Applicant has worked at Gujarat and now has started residing at Jintur in Parbhani district.

3 Mr.Agrawal, learned counsel strenuously urge that the Supreme Court has observed that convenience of the wife in the

matter pertaining to matrimonial dispute is required to be appreciated and as such, submits that the application for transfer needs to be granted.

4 The learned counsel for non-Applicant submits that the non-Applicant is ready and willing to pay traveling and other expenses to the Applicant and instead of transferring the matter from Thane to Parbhani, the proceedings at Thane be expedited. According to him, the Applicant has earlier worked at Thane and at Gujarat for some time. According to him, in view of above, the application is liable to be rejected.

5 Having considered the rival submissions of the parties, it is required to be noted here that the present Applicant, who is also a qualified lady, is presently residing at Parbhani of her choice. It is not in dispute that she has served at Thane and then in Gujarat.

6 Appropriate reliance can be placed on the judgment of the Apex Court in the matter of **Anindita Das Vs. Srijit Das**, reported in, **2006 (9) SCC 197**.

7 Apart from above, since the non-Applicant is ready and willing to borne the expenses towards traveling of the Applicant and one companion alongwith other expenses, it will be in the fitness of

things that the present application be rejected with a direction to the non-Applicant to deposit an amount of Rs.6,000/- on each date of hearing before the Thane Court, which is permitted to be withdrawn by the Applicant towards travel and other expenses.

8 The proceedings before the Thane Court bearing Hindu Marriage Petition No.460 of 2014, are expedited.

9 Miscellaneous Civil Application stands disposed of.

[N. W. SAMBRE, J.]

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