

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

MISC. APPLICATION NO. 155 OF 2014

Sau. Vrushali w/o Vijay Mote,
Age: 29 years, Occ: Household,
R/o. C/o. Abasaheb Baburao Pandharkar,
At present r/o Building No. 11/24,
Railway Police Colony, Pantnagar,
Ghatkopar (E), Mumbai-75

...Applicant

versus

Vijay s/o Pandurang Mote,
Age: 35 years, Occ: Service,
R/o. Pargaon (Sudrik), Tq. Shrigonda,
Dist. Ahmednagar
At present B-7, Swamiraj Vihar,
Ahandnagar, Sihagad Road, Pune-45

...Respondent

.....
Mr. A.Y. Pandule, Advocate for applicant
Mr. N.V. Gaware, Advocate for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 21st JULY, 2015

ORAL ORDER :

Present application is by applicant-wife seeking transfer of Hindu Marriage Petition No. 30 of 2011 from the Court of Civil Judge, Senior Division, Shrigonda, District Ahmednagar to the Family Court at Bandra, as according to the applicant-wife, she is serving at Bombay and another proceedings which are initiated against non-

applicant are pending in the same Court. Apart from this, learned Counsel for the applicant would urge that for travelling to Shrigonda on each date for attending the proceedings will cause great hardship, as there is no other male or female member to accompany her on each date at Shrigonda.

2. The above referred submissions are objected by Mr. Gaware, learned Counsel for non-applicant on the ground that the proceedings conveniently can be transferred at Pune, as according to him, non-applicant is also ready to travel up to Pune and it will be in the interest of both the parties to have proceedings at Pune. Apart from above, learned Counsel for the non-applicant submits that since the applicant is already working at Bombay, it is really hard to believe that she will not be in a position to travel to attend the proceedings.

3. Having given thoughtful considerations to the submissions made by the parties, it is required to be noted that the Apex Court has considered hardship of the lady, who sought such type of transfer of the proceedings. The hardship coupled with the fact that one more proceeding is pending at Bandra Court is required to be appreciated.

4. In view of above, Misc. Civil Application is allowed in terms of prayer clause (B), which reads thus :

“ Kindly transfer the proceedings registered as Hindu Marriage Petition no. 30 of 2011 in the court of Learned Civil Judge Senior Division Shrigonda Dist. Ahmednagar to Ld. family court Bandra, Bandra Kurla Complex, Mumbai in the interest of justice.”

[N.W. SAMBRE, J.]