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

MISC. CIVIL APPLICATION NO.108 OF 2017

Nikita w/o Amit Aggrawal,
Age: 36 years, Occu: Nil,
R/o. C/o. Mr Gopal Loya,
188-B/N-1, CIDCO,
Aurangabad

..APPLICANT

VERSUS

Amit s/o Rameshkumar Agrawal,
Age: 42 years, Occu: Service,
R/o : C-3/7, Shivtara Garden,
Gananjay Society, Kothrud,
Pune

..RESPONDENT

Mr Girish Nagori, Advocate for applicant;
Mr V. R. Jain, Advocate for respondent

CORAM : NITIN W. SAMBRE, J.

DATE : 15th September, 2017

ORAL ORDER:

Heard.

2. By the present application, the applicant seeks transfer of Hindu Marriage Petition No.35 of 2017 from Family Court, Pune to the competent Court at Aurangabad.

3. The reason cited for such transfer are, the parties were separated while staying in U.S.A. and minor son of the applicant is taking education at Aurangabad. A categorical statement is made that the applicant is staying along with her parents at Aurangabad.

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4. The claim for transfer is opposed by the respondent on the ground that he is bearing expenses towards education of the child. According to him, no material is placed on record to demonstrate that the applicant is residing at Aurangabad. It is further claimed that considering the cause of action viz. performance of marriage at Pune, stay at Pune together for some time, is basis for initiation of the proceedings in the Court at Pune. He sought rejection.

5. Considered rival submissions.

6. Having regard to the fact that the applicant is having custody of her minor child, who is taking education at Aurangabad and the applicant is staying at Aurangabad along with her parents as also considering hardship and convenience of the applicant, in my opinion, the application needs to be allowed and the same stands allowed in terms of prayer clause (B).

(NITIN W. SAMBRE, J.)

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