

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

MISCELLANEOUS CIVIL APPLICATION NO. 244 OF 2016

Sau. Renuka w/o Amit Kunturkar
Age-28 years, occupation-Household,
Alka Heights, Near Kaleshwar Mangal
Karyalaya, Shoppers Stop, Latur,
Tq. and Dist. Latur .. Applicant

versus

Amit s/o Shriram Kunturkar
Age : 35 years, occup. Service,
R/o Plot No. 703, K-2, C-2,
c/o Nitin Pendnekar,
Pimpale Saudagar, Pune - 400027,
Dist. Pune .. Respondent

Mr. Rajdeep Raut, Advocate for applicant
Mr. Amit A. Mukhedkar, Advocate for respondent

CORAM : SUNIL P. DESHMUKH, J.
DATE : 11th April, 2017

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith. Heard learned counsel for parties by consent finally.
2. Learned counsel for the applicant-wife submits that the applicant is residing at Latur which is at a distance of 350

kilometer from Pune. From the wedlock a daughter has been born who is two year old and being a lady, it is very difficult for applicant to move to attend to the proceedings bearing hindu marriage petition no. 1321 of 2016 filed by respondent - husband in the court of Civil Judge, Senior Division, Pune. She will have to undertake journey of about 700 kilometers to and fro per date. She has no source of income and her father is not in a position to travel and his economic condition is also not sound. In the circumstances, transfer of said proceedings filed by respondent at Pune to Latur is sought.

3. Resisting aforesaid submissions, learned counsel Mr. Mukhedkar on behalf of respondent contends that the respondent is employed working in Pune. So far as difficulty expressed by applicant is concerned, respondent may bear expenses of her travelling between Latur and Pune and back. He submits that it is difficult for respondent to attend to each and every date before the court at Latur and that may put his service in peril.

4. Learned counsel purports to contend that having regard to rule 2 of chapter XXXI of the Bombay High Court Appellate Side Rules, 1960, it would have been expedient had the

application for transfer of proceedings been filed at the principal seat as, according to him, looking at said rule, application for transfer may not lie before this court.

5. Countering aforesaid submissions, Mr. Raut relying on a judgment in the case of *Sayali Swapnil Kuber vs. Swapnil Harischandra Kuber*, reported in 2014 (7) Bom. C.R.. 648, submits that cause for the applicant to file application has been within the districts as referred to under rule 2, chapter XXXI of the Bombay High Court Appellate Side Service Rules, and as such said case governs the grounds and subject-matter of present matter and there is no reason not to consider request under the application.

6. Taking over all view of the matter since there is no general dispute about the difficulties expressed on behalf of the applicant and it being wife's convenience generally taken into account, I deem it appropriate to allow the application. As far as difficulties expressed by respondent to attend the dates at Latur court are concerned, those can be taken care of.

7. In the circumstances, miscellaneous civil application stands granted in terms of prayer clause (B).

Proceedings bearing hindu marriage petition no. 1321 of 2016 pending on the file of Civil Judge, Senior Division, Pune stand transferred to competent court at Latur. As far as difficulties expressed by the respondent with regard to attending proceedings at Latur are concerned, him being employed, the dates on transfer of proceedings to competent court at Latur be so arranged as would be convenient to respondent. It would be further in the interest of the parties, that the proceedings on transfer to court at Latur are disposed of as expeditiously as possible and preferably within a period of nine months from the date transfer of the proceedings.

8. Rule made absolute accordingly. Miscellaneous civil application stands disposed of.

SUNIL P. DESHMUKH,
JUDGE

pnd