IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISCELLANEOUS CIVIL APPLICATION NO. 184 OF 2017

SAU.SHILA NITIN RAJURE ALIS SHILA DEVARAO VATWALE
VERSUS
NITIN MAROTIAPPA RAJURE
...
Advocate for the Applicant : Shri Patil Barhate Avinash N..
...

CORAM: RAVINDRA V. GHUGE, J.
DATE :- 09th January, 2018

Per Court:

1 By this application, the Applicant/ wife prays for transferring Hindu Marriage Petition No.83/2017 from the Court of the learned Civil Judge, Senior Division, Washim to the Court of the learned Civil Judge, Senior Division, Biloli.

2 The Applicant submits that she is presently residing with her parents at post Manjaram, Taluka Naygaon, District Nanded after being deserted by the Respondent/ husband. The proceedings have been initiated by the Respondent at Washim and she has to travel by the State Transport Bus to Washim to attend the hearing in the matter. She is about 22 years of age and requires an adult member of the family to accompany her for safety. It takes almost an overnight journey to reach Washim.

3 As per the office remark, the Respondent/ husband has been served with the notice of the Court. No appearance is entered, either in

person or through an Advocate.

4 The Honourable Supreme Court in the matters of *Sumita Singh vs. Kumar Sanjay, AIR 2002 SC 396, Soma Choudhury vs. Gourab Choudhaury (2004) 13 SCC 462, Mona Aresh Goel vs. Aresh Satya Goel, AIR 2000 SCW 2652, Anjali Ashok Sadhwani vs. Ashok Kishinchand Sadhwani, AIR 2009 SC 1374 and Vaishali Shridhar Jagtap vs. Shridhar Vishwanath Jagtap, AIR 2016 SC 3584*, has concluded that in matters of transfer of proceedings, normally the convenience of the wife has to be kept in focus. In the event, the husband indicates serious difficulties and establishes his inability to travel to the place where the matter is to be transferred, on account of his work exigency or other compelling reason, the Court can always take a different view in the matter.

5 In the instant case, despite opportunities, the husband has not appeared in this proceedings.

6 Considering the above, this Miscellaneous Civil Application is allowed in terms of prayer clause 13-A which reads as under:-

> "*A) The Hon'ble High Court may be pleased to allow the present proceedings and thereby, transfer the suit and proceedings of Hindu Marriage Petition No.83 of 2017 from the court of learned Civil Judge Senior Division, Washim to the court of learned Civil Judge Senior Division at Biloli by issuing appropriate orders for the said purpose.*"

kps (**RAVINDRA V. GHUGE, J.**)