

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

MISCELLANEOUS CIVIL APPLICATION NO. 217 OF 2017

VAISHALI AMOL NAVALE
VERSUS
AMOL MITTHU NAVALE

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Shri G.K.Naik Thigle, Advocate for the Applicant.

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CORAM: RAVINDRA V. GHUGE, J.
DATE :- 24th February, 2018

Per Court:

1 Though the Respondent has been served by the court notice, no appearance has been entered on behalf of the Respondent.

2 The Petitioner/ wife prays for transferring HMP No.1256/2017 from the Court of the learned Joint Civil Judge Senior Division, Pune to the Court of the learned Civil Judge Senior Division, Beed.

3 It is stated that the Petitioner/ wife, after being deserted, proceeded to her parental home at Beed. A girl child was born on 07.08.2016 after the marriage was solemnized at Beed on 10.03.2015.

4 The distance between Pune and Beed is about 285 kilometers and considering the bad road condition, it takes more than eight hours to reach Pune and as such, requires an overnight journey for attending the court proceedings at Pune. An adult member from her parental home has to travel with her for safety. The child is about 2 years old and cannot live

alone at Beed when the Petitioner travels to Pune for court matters and as such, the child is also subjected to rigours of journey.

5 The Honourable Supreme Court in the matters of Sumita Singh vs. Kumar Sanjay, AIR 2002 SC 396, Soma Choudhury vs. Gourab Choudhary (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.

6 In the instant case, the Respondent/ husband has not appeared despite the service of court notice.

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

"(A) *The Hon'ble High Court may be pleased to transfer the proceedings of Hindu Marriage Petition No.1256/2017, instituted in the Court of Joint Civil Judge (S.D.) at Pune to the court of Civil Judge Senior Division at Beed.*"