

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

MISC.CIVIL APPLICATION NO.215 OF 2019

SANGITABAI RAMDAS DANDGE
VERSUS
RAMDAS RAJARAM DANDGE

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Advocate for the Applicant : Shri Gholap Ajit M.
Advocate for the Respondent : Shri Joshi Rahul G.

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CORAM: RAVINDRA V. GHUGE, J.
DATE :- 27th September, 2019

Per Court:

1 The applicant/ wife prays for transferring HMP No.99/2019 filed by the respondent/ husband from the Court of the learned Civil Judge, Senior Division, Buldhana to the learned Family Court at Aurangabad.

2 The applicant is suffering from Nephritic Syndrome (FSGS), which is related to Kidney Function Disorder and is taking treatment at MGM Hospital, Aurangabad and sometimes, at Nanded. Three children born out of the marriage are residing with her. Two proceedings have been filed by the wife at Sillod and the husband attends the said proceedings.

3 Reliance is placed upon the following judgments :-

- (a) *Sumita Singh vs. Kumar Sanjay, (2001) 10 SCC 41 : AIR 2002 SC 396.*
- (b) *Mahadevi Mehtre vs. Gopal, 2015 (5) AIR Bom. 250.*

- (c) *Mona Aresh Goel vs. Aresh Satya Goel*, 2000 (9) SCC 255 : AIR 2000 SCW 2652.
- (d) *Ravinder Kaur vs. Hitinder Singh*, AIR 2000 SC 3403 (2).
- (e) *Rena Gautam vs. Vinod Gautam*, AIR 2000 SC 3405 (1).
- (f) *Soma Choudhury vs. Gourab Choudhury* (2004) 13 SCC 462.
- (g) *Anjali Ashok Sadhwani vs. Ashok Kishinchand Sadwani*, AIR 2009 SC 1374.
- (h) *Vaishali Shridhar Jagtap vs. Shridhar Vishwanath Jagtap*, AIR 2016 SC 3584.
- (i) *Reena Mehra vs. Rohit Rai Mehra*, AIR 2003 SC 1002.
- (j) *Rakhi Banerjee vs. Subhankar Mukherje*, AIR 2009 SC 928.
- (k) *T.Gayatri Devi vs. Tallepaneni Sreekanth*, 2013 (6) Bom. C.R. 119 (Supreme Court).
- (l) *Anita Balkrishna Barge vs. Balkrishna Sopan Barge*, 2011 (3) Bom. C.R. 866 (Aurangabad Bench).
- (m) *Smita Dhananjay Patil vs. Dhananjay Krishnakumar Patil*, 2013 (5) Bom.C.R. 694 (Aurangabad Bench).
- (n) *Kalpana Pankaj Rozatkar vs. Pankaj Supadu Rozatkar*, 2013 (6) Bom.C.R. 161 (Aurangabad Bench).
- (o) *Sayali Swapnil Kuber vs. Swapnil Harischandra Kuber*, 2014 (1) Mh.L.J. 584 (Nagpur Bench).

4 The learned advocate for the respondent/ husband vehemently opposes the application. He, however, concedes that he is an Assistant Teacher at Sillod and it is convenient for him to attend two proceedings at Sillod, though he opposes the transfer of his proceeding from Buldhana to Aurangabad. He concedes that he also has to travel from Sillod to Buldhana and the wife, who is presently in temporary employment at Sillod, is also required to travel from Buldhana to Sillod, which is at the distance of 80 kilometers. The distance between Sillod to Aurangabad is 60 kilometers. In the alternative, he submits that if the matter is transferred to the learned Family Court at Aurangabad, the proceedings may be expedited.

5 Considering the above, I find that it would be convenient for the parties to travel to Aurangabad instead of traveling to Buldhana. This Miscellaneous Civil Application is, therefore, allowed. HMP No.99/2019 shall stand transferred to the Family Court at Aurangabad. Both the learned advocates submit that the parties shall appear before the Family Court, Aurangabad on 10.10.2019.

6 It would be open to the litigating sides to request the learned Family Court, Aurangabad to expedite the proceedings taking into account the pendency of the proceedings before it.