

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO. 264 OF 2018

SONY TUKARAM BHONDE
VERSUS
TUKARAM GOVIND BHONDE

Advocate for Applicant : Mr. A.P. Ghule Patil.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 09th January, 2019.

PER COURT :

1. The applicant/wife in this matter seeks transfer of HMP No. 43/2018, filed by herself before the appropriate Court at Latur, on grounds that she has now been transferred to Aurangabad.

2. The only contention of the petitioner is that she is in the employment with the office of the Divisional Commissioner, Aurangabad, as a clerk. Earlier she was performing her duties at Latur. Hence, she has filed the said proceedings at Latur, by which, she has prayed for seeking a divorce from the husband. Concerning the reason of transfer, the applicant submits that it may so happen that she could also be transferred from Aurangabad, elsewhere. Reliance is placed upon the judgment

of the Hon'ble Apex Court in the matter of *Sumita Singh Versus Kumar Sanjay*, [2001 AIR (SCW) 5193].

3. I find from the record that the applicant as well as her husband are residents of Taluka Ausa, District Latur. The proceedings for seeking divorce are filed by her at Latur. The maintenance proceedings were filed before the Georai Court and were later on withdrawn, as the parties settled the dispute amongst themselves. The husband is said to be an engineer.

4. The Hon'ble Apex Court has concluded in *Sumita Singh* (supra) that the difficulty of a woman litigant in traveling to a different place to attend the Court proceedings should be considered as a ground for seeking transfer. However, in the instant case, the applicant is presently posted at Aurangabad. She is in government employment. There is a possibility that she would be transferred to a different place after the term at Aurangabad, is over. The issue then would be as to whether the matter should, thereafter, again be transferred to the place where the applicant is transferred.

5. As such, in the above backdrop, I do not find that the reasons set out by applicant for seeking transfer of the proceedings could be entertained. Nevertheless, the alternative request of the applicant that the proceedings at Latur may be expedited, can be accepted.

6. As such, this application is disposed of. The concerned Court at Latur, is expected to decide HMP No. 43/2018, as expeditiously as possible and in any case on/or before 31/12/2019. So also, the convenience of the applicant in so far as attending the Court proceedings are concerned, would be considered by the said Court.

(RAVINDRA V. GHUGE, J.)