

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

932 MISC.CIVIL APPLICATION NO.158 OF 2018

CHAYA SITARAM CHAVAN
VERSUS
SITARAM BHAGWAN CHAVAN

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Mr. S.S. Dixit, Advocate for the applicant.
Mr. R.R. Kakani, Advocate for respondent.

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CORAM : **Rohit B. Deo, J.**

DATE : 7th January 2020.

PER COURT :-

. The applicant is seeking transfer of Hindu Marriage Petition No.432 of 2016 from the Court of Civil Judge, Senior Division, Pune to the Court of Civil Judge, Senior Division, Sangamner.

2. The petitioner has spelt out several circumstances as would entitle her to seek transfer. The first circumstance is that she would find it difficult to attend the proceedings at Pune. She further points out that she has already instituted Hindu Marriage Petition No.57 of 2017 for judicial separation which is pending before the Civil Judge, Senior Division, Sangamner.

3. Learned Counsel for the respondent / husband would urge that no case is made out by the petitioner/wife for transfer of the proceedings.

4. It is trite law that in a proceeding initiated by the husband, if a motion for transfer is moved by the wife, her convenience would have to be given utmost weight while considering the request for transfer.

5. According to the applicant, she is living with her mother and six years old daughter. She submits that there is no male member in the family to escort her to Pune. She would further submit that if she is compelled to attend the proceedings at Pune, her physical safety would be in jeopardy. She has also put-forth her poor financial condition as a justification for seeking transfer.

6. The averments in the petition have gone un rebutted in the absence of affidavit in response.

7. Even otherwise, I am satisfied that the applicant has made out a case for transfer of the proceedings from the Court of Civil Judge, Senior Division, Pune to the Court of Civil Judge, Senior Division, Sangamner.

8. The Application is allowed in terms of prayer clause 'A' which reads thus :

“(A) That, the proceeding of Marriage Petition No. 432/2016 pending on the file of Learned Civil Judge, Senior Division, Pune may kindly be transfer to the Learned Civil Judge, Senior Division, Sangamner, District Ahmednagar with further direction to the Learned Civil Judge, Senior Division, Sangamner to decide the said proceeding in accordance with law”.

9. Considering the controversy, learned Civil Judge, Senior Division, Sangamner is requested to expeditiously decide the Hindu Marriage Petition and in any event dispose of the same within a year from the communication of this order.

10. The Application is disposed of in above terms.

(ROHIT B. DEO, J.)

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