

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

934 MISC. CIVIL APPLICATION NO.34 OF 2020

POOJA MADHAV IGAVE
VERSUS
MADHAV SUBHASH IGAVE

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Advocate for Applicant : Mr. A A Joshi h/f S V Natu

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CORAM : V.K. JADHAV, J.
Dated : January 19, 2021

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PER COURT :-

1. I have heard the learned counsel for the applicant-wife.

2. None appears for the respondent-sole, though duly served.

3. Learned counsel for the applicant-wife submits that the applicant-wife is residing with her parents at Latur. Respondent-husband has filed divorce petition A-109 of 2017 in the Family Court at Kolhapur seeking divorce on the ground of cruelty and desertion. Learned counsel submits that the distance between Kolhapur and Latur is near about 390 kilometers and it is difficult for the applicant-wife to travel such a long distance to
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attend the court dates at Kolhapur. Learned counsel submits that the applicant-wife has already initiated the proceedings under section 125 of the Criminal Procedure Code bearing No.E-18 of 2018 and also filed an application bearing no.A-85 of 2018 for restitution of conjugal rights in the Family Court, Latur. Respondent-husband has appeared in both the proceedings. Learned counsel for the applicant-wife further submits that if divorce petition filed by the respondent-husband before the Family Court, at Kolhapur transferred to the Latur, it would be convenient for the Family Court, Latur to decide both the matters by avoiding the conflicting views. Learned counsel submits that, it is convenient for the applicant-wife if the matter is transferred to Latur.

4. In the following cases, it is reiterated by the Supreme Court and even by this Court that in the matrimonial proceedings convenience of the wife is to be considered.

- i) Sumita Singh vs. Kumar Sanjay and another, reported in AIR 2002 SC 396;

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- ii) Mahadevi Gopal Mehetre vs. Gopal Prabhakar Mehetre, reported in 2015 (5) AIR Bom R 250;
- iii) Mona Aresh Goel vs. Aresh Satya Goel, reported in AIR 2000 SC 3512(1);
- iv) Ravinder Kaur vs. Hitinder Singh, reported in AIR 2000 SC 3403(2);
- v) Renu Gautam vs. Vinod Gautam, reported in AIR 2000 SC 3405 (1);
- vi) Anjali Ashok Sadhwani vs. Ashok Kishichand Sadhwani, reported in AIR 2009 SC 1374;
- vii) Vaishali Shridhar Jagtap vs. Shridhar Vishwanath Jagtap, reported in AIR 2016 SC 3584;
- viii) Reena Mehra vs. Rohit Rai Mehra and another, reported in AIR 2003 SC 1002;
- ix) Rakhi Banerjee vs. Subhankar Mukherjee, reported in AIR 2009 SC 928;
- x) T. Gayatri Devi (Smt) vs. Tallepaneni Sreekanth (Dr.), reported in 2013 (5) All.M.R. 918;
- xi) Anita Balkrishna Barge vs. Balkrishna Sopan Barge, reported in 2010 (6) All M.R. 685;
- xii) Smita Dhananjay Patil vs. Dhananjay Krishnakumar Patil, reported in 2014 (1) AIR Bom R. 450;
- xiii) Kalpana Pankaj Rozatkar vs. Pankaj Supadu Rozatkar, reported in 2013 (5) AIR Bom R 51;
- xiv) Sayali Swapnil Kuber vs. Swapnil Harischandra Kuber, reported in 2014 (1) Mh.L.J. 584;

5. In the instant case, the applicant-wife has to travel a distance of near about 390 kilometers to attend the

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Court dates at Kolhapur. The applicant-wife has already initiated two proceedings before the Family Court at Latur and respondent-husband has put his appearance in those proceedings. In view of the same, it would be convenient for both the parties, if the Hindu Marriage Petition filed before the Family Court at Kolhapur by the respondent-husband is transferred to the Family Court, Latur. In view of the same, I proceed to pass the following order.

O R D E R

Misc. Civil Application is allowed in terms of prayer clause '**B**' and disposed off accordingly.

(V.K. JADHAV, J.)

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