

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

952 MISC. CIVIL APPLICATION NO. 33 OF 2020

GAURI W/O YOGESH PACHANGE
VERSUS
YOGESH S/O SAMPAT PACHANGE

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Advocate for Applicant : Mr. Gandhi Amol S.

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CORAM : V. K. JADHAV, J.
DATED : 9TH FEBRUARY, 2021

PER COURT :-

1. Heard.
2. This is about transfer of the matrimonial proceedings from Pune to Ahmednagar.
3. Though the respondent sole is duly served, none appears for him.
4. The applicant-wife resides with her parents at Dhangarwadi, Taluka and District Ahmednagar. The respondent-husband has filed marriage petition bearing

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H.M.P. No. 1648 of 2019 before Civil Judge Senior Division, Pune, for a decree of divorce.

5. Learned counsel for the applicant-wife submits that the applicant-wife is having two small children aged three years and one year respectively. It is thus difficult for the applicant-wife to attend court dates at Pune. Learned counsel for the applicant-wife in order to substantiate his submissions, placed reliance on the following cases:-

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

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- 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;

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6. It appears that in the aforesaid cases relied upon by learned counsel for the applicant, it is reiterated by the Supreme Court that in matrimonial proceedings, convenience of wife is paramount consideration

7. In the instant case, the applicant-wife is having two minor children and the younger child is aged one year. In view of the same, it is not convenient for the applicant-wife to travel a distance and attend court dates at Pune from Ahmednagar. In view of the same, I find no hurdle to transfer the proceedings from Pune to Ahmednagar. Hence, the following order:

ORDER

The Misc. Civil Application is allowed in terms of prayer clause “A” and disposed off accordingly.

(V. K. JADHAV, J.)

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