

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

MISC. CIVIL APPLICATION NO.80 OF 2020

Tejal Pawan Patil

Applicant

Versus

Pavan Pravin Patil

Respondent

Mr.Anand Kulkarni, advocate holding for Mr.H.P.Randhir,
advocate for the applicant.
None present for the Respondent.

CORAM : V.K.JADHAV, J.

DATE : 11th February, 2021.

PC :

1 Heard the learned Counsel for the applicant at length. None appears for Respondent-husband though duly served.

2 Learned Counsel for the applicant-wife submits that the Respondent-husband has filed Hindu Marriage Petition No.05 of 2020 for restitution of conjugal rights and the said Marriage Petition is pending before the learned Civil Judge, Senior Division, Aurangabad. The learned Counsel submits that applicant-wife has a sucking baby. She is residing with her maternal uncle at Jalgaon. Her parents have committed suicide. The applicant-

wife has no independent source of income. It is, thus, difficult for the applicant-wife to travel such a distance to attend the Court dates at Aurangabad from Jalgaon. The learned Counsel submits that convenience of wife is required to be taken into consideration in respect of transfer of matrimonial proceedings.

3 The learned Counsel for the applicant, in order to substantiate his contention, placed reliance on the following citations:

- (i) **Vennangot Anuradha Samir Vs. Vennangot Mohandas Samir**, 2016 (1) Bom.C.R. 250;
- (ii) **Soma Choudhuri Vs. Gourab Choudhuri** (2004) 13 SCC 462;
- (iii) **Anjali Ashok Sadhwani Vs. Ashok Kishinchand Sadhwani**, AIR 2009 SC 1374;
- (iv) **Vaishali Shridhar Jagtap Vs. Shridhar Vishwanath Jagtap**, 2016 AIR (SC) 3584;
- (v) **Sumita Singh Vs. Kumar Sanjay**, (2001) 10 SCC 41 : AIR 2002 SC 396;

(vi) **Mahadevi Mehtre Vs. Gopal**, 2015 (5)

AIR Bom. 250;

(vii) **Mona Aresh Goel Vs. Aresh Satya Goel**, 2000 (9) SCC 255 : AIR 2000 SCW 2652;

(viii) **Ravinder Kaur Vs. Hitinder Singh**,
AIR 2000 SC 3403;

(ix) **Rena Gautam Vs. Vinod Gautam**, AIR
2000 SC 3405;

(x) **Reena Mehra Vs. Rohit Rai Mehra**,
AIR 2003 SC 1002;

(xi) **Rakhi Banerjee Vs. Subhankar Mukherje**, AIR 2009 SC 928;

(xii) **T. Gayatri Devi Vs. Tallepanent Sreekanth**, 2013 (6) Bom.C.R. 119 (SC);

(xiii) **Anita Balkrishna Barge Vs. Balkrishna Sopan Barge**, 2011 (3) Bom.C.R.
866 (Aurangabad Bench); and

(xiv) **Smita Dhananjay Patil Vs. Dhananjay Krishnakumar Patil**, 2013 (5)
Bom.C.R. 694 (Aurangabad Bench).

4 In the cases relied upon by the learned Counsel for the applicant, it is reiterated that in the matrimonial proceedings convenience of the wife is required to be considered.

5 In the instant case, the applicant-wife has no parents and she is residing with her maternal uncle at Jalgaon. She has a sucking baby. The distance between Aurangabad and Jalna is about 180 Kms. The applicant-wife has no independent source of income. It is not possible for the applicant-wife to travel such a long distance along with small baby to attend the Court dates at Aurangabad.

6 In view of the above, I am inclined to allow the Misc. Civil Application.

7 Hence, the following order:

Misc. Civil Application is allowed in terms of prayer clause "B".

(V.K.JADHAV)
JUDGE

adb