

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO.208 OF 2021
(Trupti Rohan Gaikwad Vs. Rohan Daniel Gaikwad)

.....
Mrs. Ashwini A. Lomte, Advocate holding for Mr. S.J. Salunke,
Advocate for the applicant

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CORAM : MANGESH S. PATIL, J.

DATE : 10.12.2021

PER COURT :

This is an application under Section 24 of the Code of Civil Procedure by a wife against her husband seeking transfer of a proceeding for divorce instituted by him and pending in the Family Court at Pune bearing Petition No.A/921/2020 to the Family Court at Jalna.

2. I have heard the learned Advocate for the applicant. The respondent has been duly served with a notice for final disposal of the application, but still he has not appeared.

3. It is trite, in view of catena of judgments including in the case of *Sumita Singh V Kumar Sanjay and another; (2001) 10 SCC 41*, etc. that it is convenience of the wife which should be of paramount consideration in such matters.

4. As can be seen from the papers, since the couple has separated, the applicant has been residing at the mercy of her parents at Jalna. She has instituted several proceedings at Jalna like the proceeding for restitution of conjugal rights, criminal proceeding under Section 498-A of the IPC as also a proceeding under the provisions of Protection of Women from Domestic Violence Act. Even without saying anything else, the respondent will have to come down to Jalna to defend all these proceedings.

5. As against this, the applicant will have to commute between Jalna and Pune which is a distance of more 300 kms. Her father is a rickshaw driver and it is difficult for her to spend for defending the divorce proceeding by commuting between Jalna and Pune.

6. In view of the aforementioned facts and circumstances, the application is allowed in terms of prayer clause (B).

[MANGESH S. PATIL]
JUDGE