

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

MISC.CIVIL APPLICATION NO.149 OF 2021

**SANIKA SAIRAJ GADHE ALIAS SANIKA MUKUND JAGDALE
VERSUS
SAIRAJ BHANUDAS GADHE**

...
Advocate for Applicant : Mr. Sachin S. Panale
Advocate for Respondent : Mr. Wani h/f. Mr. A. S. Bajaj
...

CORAM : MANGESH S. PATIL, J.

DATE : 30.08.2021

PER COURT :

Heard the learned advocates for the parties.

2. By way of this Application under Section 24 of the Civil Procedure Code, the applicant who is the wife of the respondent is seeking transfer of the Divorce Proceeding instituted by him in the Civil Court of Pune to the Family Court at Aurangabad, where she has been residing since the couple got separated.

3. The learned advocate for the applicant would submit that apart from the Divorce Proceeding even couple of proceedings are lodged by the applicant at Aurangabad one under the Protection of Women from Domestic Violence Act and another being an FIR for the offence punishable under Section 498-A of the Indian Penal Code. Even otherwise the respondent will have to come down to Aurangabad to conduct both these matters. He is financially sound and can easily come down to Aurangabad even if the

Divorce Proceeding is transferred to Aurangabad.

4. The learned advocate would submit that as against this, the applicant being a woman will have to commute between Pune and Aurangabad. The distance between the two places being around 250 kms, apart from the physical inconvenience, it would also be impossible for her to stay back overnight in case such contingency arises. It is therefore for the convenience of both the sides that the Divorce Proceeding is transferred to Aurangabad.

5. The learned advocate Mr. Wani holding for Mr. Bajaj for the respondent submits that even if the matter is transferred to Aurangabad, let the applicant cooperate him deciding it expeditiously. However, he insist that the respondent is opposing the request of transfer.

6. It is trite that the applicant being a wife, she will be put to the greater hardship if she is made to commute between Aurangabad and Pune to defend the Divorce Proceeding. The distance between the two places is such that she may have to stay back if such an occasion arises during the course of hearing of the Divorce Proceeding. Being a woman it would not be proper to expect her to stay put in some lodge.

7. The respondent even otherwise would have to attend the two proceedings initiated by the applicant in the courts at Aurangabad. If a care is taken to direct the courts at Aurangabad to conduct all these matters on the same day, whatever hardship that is likely to be caused to the respondent by transfer of the Divorce Proceeding can be mitigated.

8. Considering the aforementioned facts and circumstances, the Application is allowed. The Divorce Proceeding pending in the file of the learned Civil Judge, Senior Division at Pune is transferred to the Family Court at Aurangabad. The parties shall appear before the Family Court at Aurangabad on 24.09.2021 and there shall no need for the Family Court to issue any notice to the parties.

9. The courts at Aurangabad wherever the proceedings between the parties are pending shall see to it that as far as possible all these proceedings are listed on their respective boards on the same day.

(MANGESH S. PATIL, J.)

habeeb