

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

951 MISC.CIVIL APPLICATION NO.115 OF 2019

VIJAYA SACHIN CHAVAN
VERSUS
SACHIN ARUNRAO CHAVAN

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Advocate for Applicant : Mr. Andhale Sandip R.

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CORAM : V. K. JADHAV, J.
DATE : 17.02.2021

PER COURT :-

1. Heard the learned counsel for applicant-wife. None appears for the respondent-husband though duly served.
2. This is about transfer of matrimonial proceedings from Aurangabad to Ahmednagar. The learned counsel submits that the applicant-wife has filed HMP No.104 of 2019 before the Court at Ahmednagar for restitution of conjugal rights and the same is pending. It is difficult for the applicant-wife to attend the court dates, as there is nobody in the family to accompany with her. The applicant-wife has no independent source of income. The respondent-husband has filed HMP No.71 of 2019 for divorce.

3. The learned counsel for the petitioner in order to substantiate his contention placed his 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);
- 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;

In the above cited cases, it is reiterated by the Courts that in the matrimonial proceedings the convenience of wife is to be considered.

4. Thus, considering the entire aspect of the case, I am inclined to allow this Misc. Civil Application in terms of prayer clause 'C'.

5. Misc. Civil Application is accordingly disposed off.

(V. K. JADHAV, J.)

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vmk/-