

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISCELLANEOUS CIVIL APPLICATION NO. 97 OF 2020

Rupali w/o Abhijeet Jadhao ...Applicant

versus

Abhijeet s/o Ganesh Jadhao ...Respondent

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Mr. N.D. Jaiswal, advocate i/b M/s. J.P. Legal Associate, for the applicant

Mr. S.S. Jangada h/f Mr. Sachin S. Deshmukh, advocate for respondent

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CORAM : V. K. JADHAV, J.
DATED : 12th JANUARY, 2021

PER COURT:-

1. By consent, heard finally at admission stage.
2. The applicant-wife is seeking transfer of HMP No. 313 of 2018 pending before learned Civil Judge, Senior Division, Buldhana to the Family Court at Jalna for its disposal according to law.
3. Learned counsel for the applicant-wife submits that the applicant-wife has no independent source of income. The applicant is residing with her old aged parents. It is not possible for the applicant wife to travel alone to attend the court dates at Buldhana. The respondent-husband is serving as Junior Engineer in Maharashtra State Electricity Distribution Company Limited (MSEDCL) at Chikhli

in Buldhana district. The applicant wife has also initiated the proceedings under Section 125 of Cr.P.C. before the Family Court, Jalna, bearing HMP No. E-56 of 2020 and the same is still pending.

4. 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);
- 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;

5. Learned counsel for the respondent-husband submits that the applicant-wife is an educated woman and the distance between Jalna to Buldhana is not much to cause inconvenience to the applicant-wife to attend the court dates at Buldhana.

6. In the cases relied upon by learned counsel for the applicant-wife, it is reiterated by almost all the courts that, in matrimonial proceedings, the convenience of the wife is paramount consideration.

7. Though the applicant-wife is an educated woman, however,

she is young lady and every time it is not possible for her aged parents to accompany her to attend the court dates at Buldhana. On the other hand, the respondent-husband can attend the court dates conveniently at Jalna if the H.M.P. No. 313 of 2018 filed by him is transferred from Buldhana to Jalna. Thus, considering entire aspects of the case, I proceed to pass the following order:-

O R D E R

- I. Miscellaneous Civil application is allowed in terms of prayer clause "C".
- II. Miscellaneous Civil application is accordingly disposed of.

(V. K. JADHAV, J.)

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