

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

38 MISC.CIVIL APPLICATION NO.145 OF 2019

SONALI MADHAVRAO BHOSALE ALIAS SONALI VASANTRAO
SHINDE
VERSUS
MADHAV DIGAMBAR BHOSALE

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Advocate for Applicant : Mr. Patil Indrale Anand V.
Advocate for Respondent : Mr. Bhavthankar Vivek Vasantao.

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CORAM : V. K. JADHAV, J.
DATE : 15.02.2021

PER COURT :-

1. Heard.
2. This is about transfer of the matrimonial proceedings from Biloli to Udgir. The learned counsel for the applicant submits that the applicant-wife resides with her parents at Udgir. She is having 13 years old daughter and the daughter is taking education at Udgir itself. There is a distance of near about 120 k.m. between Udgir and Biloli. The respondent-husband has filed the marriage petition seeking a decree of dissolution of marriage at Biloli and it is thus difficult for the applicant-wife to travel such a long distance to attend the court

dates along with her daughter.

3. The learned counsel has placed his reliance on the following cases :

- (a) Sumita Singh Vs. Kumar Sanjay and others, MANU/SC/0936/2001.
- (b) Vinisha Jitesh Tolani Vs. Jitesh Kishore Tolani, MANU/SC/0308/2010.
- (c) Snehal Omprakash Kothekar Vs. Omprakash Domaji Kothekar, MANU/MH/1144/2013.
- (d) Archana Satyajit Chavan Vs. Satyajit Shashikant Chavan, Misc. Civil Application No.185 of 2017.

In all above cited cases, it is reiterated by the courts that in matrimonial proceedings, the convenience of the wife is required to be seen.

4. The learned counsel for the respondent-husband has strongly resisted the application on the ground that the respondent-husband is serving as an Assistant Teacher and under the orders of the Court, mainly because of the compromise arrived at between the parties, in the earlier round of litigation paying monthly maintenance @ Rs.10,000/-

(Rupees Ten Thousand only). In addition to that, the applicant-wife has filed an application in the pending marriage petition and the Trial Court has granted Rs.1,000/- (Rupees One Thousand only) as a travelling expenses to her. The learned counsel for the applicant-wife at this stage submits that the applicant is ready to give up the said claim of travelling allowances as awarded by the Trial Court, in the event, if the proceedings are transferred at the place which is convenient to her.

5. In the cases cited above, the considered view is taken by this Court and even by the Supreme Court that in the matrimonial proceedings, the convenience of wife is required to be considered.

6. In the instant case, the distance is of about 120 k.m. between Udgir and Biloli. The applicant-wife is having 13 years old daughter who is taking education at Udgir itself. The applicant-wife has no independent source of income. It is thus convenient for the wife, if the proceedings are transferred from Biloli to Udgir. The applicant-wife is also giving up her claim about travelling allowance and even in the Trial Court in the

said order also observed that in case, the proceedings are transferred then the order of granting travelling expenses will have no effect.

7. In view of the above, considering the convenience of the wife and the fact that the respondent-husband can travel the distance to attend the court dates conveniently. Hence, I proceed to pass the following order :

ORDER

- (i) Misc. Civil Application is hereby allowed in terms of prayer clause 'B'.
- (ii) Misc. Civil Application is accordingly disposed off.

(V. K. JADHAV, J.)

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vmk/-