

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

20 MISC. CIVIL APPLICATION NO.149 OF 2019

NITA RAHUL KULKARNI
VERSUS
RAHUL RAMAKANT KULKARNI

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Advocate for Applicant : Mr. Manale Satish S.
Advocate for Respondent : Mr. N. D. Kendre h/f Mr. Patil M. S.

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CORAM : V. K. JADHAV, J.
DATE : 15.03.2021

PER COURT :-

1. Heard finally at the stage of admission.
2. This is about transfer of the matrimonial proceedings from Pune to Latur.
3. The learned counsel for the applicant-wife submits that the applicant-wife at presently resides with her parents at Latur. The respondent-husband has filed Petition No.A-865 of 2017 before the Family Court, Pune for a decree of dissolution of marriage. The learned counsel for the applicant-wife submits that though initially, the applicant-wife was serving as a librarian, however, it was a temporary job and at present, she

has no source of income. The learned counsel submits that there is a distance of near about 325 k.m between Latur to Pune. There is nobody in the family to accompany with the applicant to attend the court dates by travelling such a long distance.

4. The learned counsel 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;

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

6. The learned counsel for the respondent-husband submits that the applicant is a lawyer by profession. Furthermore, she is getting the salary from her private job. The said Hindu Marriage Petition seeking a decree of dissolution of marriage is pending before the Family Court, Pune since 2017. The

learned counsel submits that the respondent-husband is also unemployed and he has no independent source of income. It is also difficult for him to travel such a long distance to attend the court dates at Latur, if the said case is transferred from Family Court, Pune to Family Court, Latur. In the alternate, the learned counsel for respondent-husband submits that in case, if this court is inclined to transfer the said proceedings from Family Court, Pune to Family Court, Latur, the necessary directions may be given to the Family Court, Latur to dispose of the said case after its transfer, as expeditiously as possible, in a time bound manner. The learned counsel for the applicant-wife, on instructions, submits that the applicant has no objection, if such directions are given to the Family Court, Latur to dispose of the case in a expeditious manner.

7. The applicant-wife has no independent source of income, though she is a lawyer, however, she is not a practicing lawyer. It is thus difficult for applicant-wife to cross such a long distance alone to attend the court dates before the Family Court, Pune.

8. So far as the alternate submissions of the learned counsel appearing for the respondent-husband are concerned, the necessary directions can be given to the Family Court, Latur to dispose off the case, expeditiously in a time bound manner. Hence, the following order :

ORDER

- (I) Misc. Civil Application is hereby allowed in terms of prayer clause 'B'.
- (II) Upon transfer of the Petition No.A-865 of 2017 from the Family Court, Pune to Family Court, Latur, the Family Court, Latur is hereby directed to dispose of the same, as expeditiously as possible, preferably within a period of six (6) months after receiving the Record and Proceedings.
- (III) Misc. Civil Application is accordingly disposed off.

(V. K. JADHAV, J.)

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vmk/-