

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

**961 MISC.CIVIL APPLICATION NO.121 OF 2020**

**GAURI ALIAS POOJA MAHESH WAGH ALIAS DESHMUKH  
VERSUS  
MAHESH GULABRAO WAGH ALIAS DESHMUKH**

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Advocate for Applicant : S B Rajebhosale  
Adv. Mahesh H. Patil for Respondent sole

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**CORAM: MANGESH S PATIL,J.  
DATE : 07.09.2021**

**P.C.:**

This is an application under Section 24 of the Code of Civil Procedure by a wife seeking transfer of a proceeding filed by respondent husband from Dhule to Parbhani on the ground that the distance between the two places is more than 400 Kms. and since after separation she has been residing with her parents at Parbhani. It is also being averred that she has also filed two proceedings at Parbhani and even otherwise the respondent husband will have to come down to Parbhani to attend those proceedings.

2] I have heard both the sides. As has been laid down in the case of Vaishali Shridhar Jagtap V/s Shri Vishwanath Jagtap; 2016(6) All M.R. 449 (S.C.) comparative hardship to the wife is the paramount consideration in such matters. Apart from the inconvenience likely to be faced by the applicant for commuting between Parbhani and Dhule, even the respondent

husband will have to defend the proceeding filed by her at Parbhani. Instead of making both of them face some hardship it would be just and proper that the proceeding is transferred from Dhule to Parbhani with a rider that all the Courts taking up matters between them at Parbhani would list these matters on the same day as far as possible.

3] The Application is allowed. The Marriage Petition No.98/2020 pending in the Court of Civil Judge, Senior Division, Dhule stands transferred to the Family Court at Parbhani. The parties shall appear before the Family Court at Parbhani on **1/10/2021** and there shall be no need for the Family Court, Parbhani to issue any notice to the parties.

4] The Family Court at Parbhani as also the other Courts wherever the matters between the two sides are pending shall see to it that all these matters are listed on the same day as far as possible.

**[MANGESH S. PATIL,J.]**

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