

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

930 MISC.CIVIL APPLICATION NO.180 OF 2019

PRERNA AJAY BHOSLE
VERSUS
AJAY PRABHAKARRAO BHOSLE

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Advocate for Applicant : Mr. Gadegaonkar Bharat N.
Advocate for Respondent : Mr. Upendra B. Bilolika.
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CORAM : V. K. JADHAV, J.
DATE : 23.02.2021

PER COURT :-

1. Heard both the sides.
2. This is about transfer of the matrimonial proceedings from Pune to Nanded. The learned counsel for the applicant-wife submits that the respondent-husband has filed the Petition P.A.No.783 of 2019 for dissolution of marriage and the said petition is pending before the Family Court No.2 at Pune. The applicant-wife has also filed the petition E.No.90 of 2019 before the Principal Judge, Family Court, Nanded for maintenance under Section 125(1) of the Criminal Procedure Code and she has also filed the petition under the provisions of the Protection of Women from Domestic Violence Act, 2005

bearing PWDAV-No.105 of 2019 before the Judicial Magistrate First Class, Nanded. In addition to that the applicant-wife has also filed the complaint under Section 498-A and the case is now pending before the Magistrate bearing RCC No.875 of 2019. In all these three cases, the respondent-husband has put his appearance. The learned counsel submits that the distance between Pune and Nanded is approximately 500 k.m. It is thus, difficult for applicant-wife to travel such a long distance to attend the court dates at Pune.

3. The learned counsel for the respondent-husband has strongly resisted the application on the ground that the said marriage Petition P.A.No.783 of 2019 is pending since long before the Family Court, Pune and belatedly the applicant-wife has filed the present application for transfer of the proceedings.

4. In the following cases, this Court has reiterated that in the matrimonial proceedings, the convenience of the wife is required to be seen.

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 the instant case, the applicant-wife has no independent source of income. It is thus inconvenient for the applicant-wife to travel a distance of 500 k.m. to attend the court dates at Pune. The respondent-husband has already appeared in the three proceedings initiated by the applicant-wife in the court at Nanded. It is thus, convenient for the respondent-husband to pursue his divorce petition, if it is transferred to Nanded.

6. In view of the above, considering the convenience of the applicant-wife, I proceed to pass the following order :

ORDER

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

(V. K. JADHAV, J.)

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vmk/-