

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

964 MISC.CIVIL APPLICATION NO.13 OF 2021

SRUSHTI MADHUR KABRA
VERSUS
MADHUR SANTOSHKUMAR KABRA

...

Advocate for Applicant : Mr. B.A. Darak
Advocate for Respondent/Sole: Mr. Yogesh G. Somani

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CORAM : AVINASH G. GHAROTE, J.

DATE : 28th July, 2021

PER COURT :

. Heard Mr. Darak learned counsel for the applicant and Mr. Somani for the respondent.

2. Proceedings initiated by the husband, bearing HMA No.233/2019 pending on the board of 4th Civil Judge, Senior Division, Jalna are sought to be transferred, to the Court at Beed, where the applicant/wife claims residence.

3. Mr. Somani, learned counsel for the non-applicant, submits, that the applicant has completed a course of a Pilot. The distance between Jalna and Beed is only 110 kms, which can be travelled within two hours and the applicant, can hire taxi for the

same. He further submits, that the application has been filed belatedly when the evidence has commenced. He further submits, the applicant as of now is residing at Pune and therefore, there is no reason why the applicant cannot travel to Jalna from Pune. He placed reliance upon **Anindita Das Vs. Srijit Das, 2006 (9) SSC 197** and **Shiv Kumari Devenndra Ojha Vs. Ramajor Shitla Prasad Ojha, 1997 (2) SCC 452.**

4. Insofar as the residence of the applicant at Pune is concerned, nothing is placed on record to show that the applicant has permanently shifted her residence to Pune. The contention therefore is rejected. As far as the contention, that the distance between Beed and Jalna is only 110 kms. and could be travelled in two hours, by the applicant, the same logic and reasoning, would equally be applicable, to the non-applicant. The contention therefore does not hold any water. The contention that the application has been filed belatedly at the stage when the evidence has commenced, also does not appeal to me, as it is the settled position of law flowing from a catena of decisions the latest being that the convenience of the wife, has to be looked into and considered. Much water has flown subsequent to the Judgment of the Supreme Court in **Anindita Das Vs. Srijit Das (Supra)** and **Shiv Kumari Devenndra Ojha Vs. Ramajor Shitla Prasad Ojha**

(Supra) and the position as of now, is spelt out by **Vennangot Anuradha Samir Vs. Vennangot Mohandas Samir**, 2016 (1) Bom.C.R. 250; **Soma Choudhuri Vs. Gourab Choudhuri** (2004) 13 SCC 462; **Anjali Ashok Sadhwani Vs. Ashok Kishinchand Sadhwani**, AIR 2009 SC 1374; **Vaishali Shridhar Jagtap Vs. Shridhar Vishwanath Jagtap**, 2016 AIR (SC) 3584; **Sumita Singh Vs. Kumar Sanjay**, (2001) 10 SCC 41 : AIR 2002 SC 396; **Mahadevi Mehtre Vs. Gopal**, 2015 (5) AIR Bom. 250; **Mona Aresh Goel Vs. Aresh Satya Goel**, 2000 (9) SCC 255 : AIR 2000 SCW 2652; **Ravinder Kaur Vs. Hitinder Singh**, AIR 2000 SC 3403; **Rena Gautam Vs. Vinod Gautam**, AIR 2000 SC 3405; **Reena Mehra Vs. Rohit Rai Mehra**, AIR 2003 SC 1002; **Rakhi Banerjee Vs. Subhankar Mukherje**, AIR 2009 SC 928; **T. Gayatri Devi Vs. Tallepanent Sreekanth**, 2013 (6) Bom.C.R. 119 (SC); **Anita Balkrishna Barge Vs. Balkrishna Sopan Barge**, 2011 (3) Bom.C.R. 866 (Aurangabad Bench); and **Smita Dhananjay Patil Vs. Dhananjay Krishnakumar Patil**, 2013 (5) Bom.C.R. 694 (Aurangabad Bench).

5. That being the position, the HMA No.233/2019, pending on the file of 4th Civil Judge, Senior Division, Jalna shall stand transferred to the Court of Civil Judge, Senior Division, Beed.

6. Parties undertake to appear before the Civil Judge, Senior Division, Beed on 13/08/2021, by which date, the record and

proceedings be transmitted by the 4th Civil Judge, Senior Division, Jalna, to the Court of Civil Judge, Senior Division, Beed.

7. Application is, accordingly, disposed of.

(AVINASH G. GHAROTE, J.)

Sameer