

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

MISC. CIVIL APPLICATION NO.207 OF 2019

Priyanka w/o Jitendra Ingale,
age: 27 years, Occ: Household,
presently R/o Flat No.134,
Shrikrushna Apartment, 3rd Floor,
Shrikrishna Nagar, Latur,
District Latur.

Petitioner

Versus

Jitendra Supada Ingale,
age: 29 years, Occ: Labour,
R/o Palashi Supo,
Tq. Jalgaon Jamod,
District Buldhana.

Respondent

Mr.Avinash A. Phad, advocate for the Petitioner.
Mr.M.D.Gitte, advocate for the Respondent.

CORAM : V.K.JADHAV, J.

DATE : 09th February, 2021.

JUDGMENT :

1 Heard. Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for respective parties.

2 This is about transfer of matrimonial proceedings from Khamgaon, District Buldhana to Latur.

3 The learned Counsel for the applicant submits that Respondent-husband has filed a petition bearing HMP No.80 of 2019 before the Court of Civil Judge, Senior Division, Khamgaon, for decree of divorce. The learned Counsel submits that father of the applicant is no more and applicant resides with her mother at Latur. There is nobody in the family to accompany her to attend the Court dates at Khamgaon. The distance between Khamgaon and Latur is about 300 Kms. The applicant-wife has no independent source of income. It is submitted that the applicant-wife has also initiated two proceedings, one for maintenance and another, under the provisions of Protection of Women from Domestic Violence Act, 2005, at Latur and in those proceedings, notice has been issued to the Respondent-husband.

3 The learned Counsel for the applicant, in order to substantiate his contention, placed reliance on the following citations:

- (i) **Vennangot Anuradha Samir Vs. Vennangot Mohandas Samir**, 2016 (1) Bom.C.R. 250;
- (ii) **Soma Choudhuri Vs. Gourab**

Choudhuri (2004) 13 SCC 462;

(iii) **Anjali Ashok Sadhwani Vs. Ashok Kishinchand Sadhwani**, AIR 2009 SC 1374;

(iv) **Vaishali Shridhar Jagtap Vs. Shridhar Vishwanath Jagtap**, 2016 AIR (SC) 3584;

(v) **Sumita Singh Vs. Kumar Sanjay**, (2001) 10 SCC 41 : AIR 2002 SC 396;

(vi) **Mahadevi Mehtre Vs. Gopal**, 2015 (5) AIR Bom. 250;

(vii) **Mona Aresh Goel Vs. Aresh Satya Goel**, 2000 (9) SCC 255 : AIR 2000 SCW 2652;

(viii) **Ravinder Kaur Vs. Hitinder Singh**, AIR 2000 SC 3403;

(ix) **Rena Gautam Vs. Vinod Gautam**, AIR 2000 SC 3405;

(x) **Reena Mehra Vs. Rohit Rai Mehra**, AIR 2003 SC 1002;

(xi) **Rakhi Banerjee Vs. Subhankar Mukherje**, AIR 2009 SC 928;

(xii) **T. Gayatri Devi Vs. Tallepanent Sreekanth**, 2013 (6) Bom.C.R. 119 (SC);

(xiii) **Anita Balkrishna Barge Vs.**

Balkrishna Sopan Barge, 2011 (3) Bom.C.R.

866 (Aurangabad Bench); and

(xiv) **Smita Dhananjay Patil Vs.**

Dhananjay Krishnakumar Patil, 2013 (5)

Bom.C.R. 694 (Aurangabad Bench).

4 The learned Counsel for the Respondent-husband submits that the Respondent-husband is ready to bear travel expenses for the applicant to visit Khamgaon for attending the Court dates and as such, there is no reason to transfer the proceedings from Khamgaon to Latur.

5 In the cases relied upon by the learned Counsel for the petitioner, it is reiterated that in the matrimonial proceedings convenience of the wife is required to be considered.

6 In the instant case, the applicant's father is no more and she resides with her mother at Latur. The distance between Khamgaon and Latur is approximately 300 Kms. There is nobody in the family to accompany her to Khamgaon for attending the Court dates by travelling such a long distance. She has no independent source of income. The applicant-wife has also initiated two proceedings in the Court at Latur. It is,

thus, convenient for the Respondent-husband to attend all the proceedings at Latur, including the Marriage Petition filed by him for decree of divorce.

7 In view of the same, Misc. Civil Application is allowed in terms of Prayer Clause "A". No order as to costs.

(V.K.JADHAV)
JUDGE

adb