

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 MISC.CIVIL APPLICATION NO.234 OF 2019

VANDANA NAGESH KOLEKAR
VERSUS
NAGESH RAMESHWAR KOLEKAR

Mr.Sham B. Patil, Advocate for the applicant.

CORAM : SANDEEP K. SHINDE, J.
DATED : 01.07.2021

PC :-

01. This is an application under section 24 read with section 151 of Civil Procedure Code, seeking transfer of proceedings in HMP No.1616 of 2018 instituted by the respondent-husband in the Court of Civil Judge, Senior Division, Pune to the Court of Civil Judge, Senior Division, Kandhar, Dist. Nanded.

02. Although the respondent is served, none appears for him.

03. Transfer of proceedings is sought on the ground that the applicant being a labour, has no means at all to attend the proceedings at Pune from Kandhar, which is about 300 kms. away from her parents' house, where she is living. Besides, it would cause immense inconvenience for her to attend proceedings at Pune; also for want of

motorable road and poor frequency of State Transport buses. It is submitted that the native place of the respondent is hardly 12 kms. away from Kandhar, yet to cause inconvenience, the respondent instituted proceedings at Pune. These submissions of the applicant have not been denied either by filing reply or otherwise. The respondent has chosen not to attend proceedings although he has been served.

04. In matrimonial cases filed by husband against wife, inconvenience of wife is relevant consideration. In consideration of the facts of the case and the ground urged in support of the prayer, application is allowed in terms of prayer clause (B) and hence the order :-

05. The proceedings in HMP No.1616 of 2018 on the file Civil Judge, Senior Division, Pune are directed to be transferred to the Court of Civil Judge, Senior Division, Kandhar, Dist. Nanded.

06. Application disposed of.

[SANDEEP K. SHINDE, J.]