

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

928 MISC.CIVIL APPLICATION NO.193 OF 2017

SMT. MANGAL VINOD LAD
VERSUS
VINOD DADASAHEB LAD

...

Advocate for Applicant : Mr. Virdhe Bhushan V.

Advocate for Respondent : Mr. Bhumkar R. P.

...

CORAM : V.K. JADHAV, J.

Dated : March 16, 2021

...

PER COURT :-

1. By consent, heard finally at admission stage.
2. The applicant-wife is seeking transfer of Hindu Marriage Petition No.102 of 2017 pending before learned Civil Judge, Senior Division, Beed to the Civil Judge Senior Division, Kopergaon, District Ahmednagar for its disposal according to law.
3. Learned counsel for the applicant-wife submits that the applicant-wife has no independent source of income. The applicant was deserted by the respondent and since then, the applicant and her children are residing with her parents at Godhegaon, but for the

aaa/-

purpose of education of children, at presently, the applicant is residing at Sirasgaon, Taluka Kopergaon, District Ahmednagar with her two children. The learned counsel submits that there is a distance of more than 200 kilometers between Beed to Kopergaon. There is nobody in the family to accompany with the applicant to attend the court dates by travelling such a long distance along with her two children. The respondent-husband is in service. The applicant-wife has initiated the proceedings under Section 125 of Cr.P.C. before the Judicial Magistrate, First Class, at Kopergaon, bearing Misc. Criminal Application No.352 of 2013 and by judgment and order dated 08.11.2016, the learned Magistrate has granted meager maintenance amount in favour of children and applicant's maintenance was rejected. Being aggrieved by the said judgment and order dated 08.11.2016, passed by the Judicial Magistrate First Class, the applicant has filed Regular Criminal Revision Petition No.65 of 2016 before learned District and Sessions Court, at Kopergaon and the same is pending. The applicant has also filed Criminal

aaa/-

Application No.547 of 2016 at Kopergaon for execution of the judgment and order dated 08.11.2016, the same is also pending.

4. Learned counsel for the applicant-wife in order to substantiate his submissions, placed reliance on the following cases:-

- 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;

aaa/-

- 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. Learned counsel for the respondent-husband submits that the respondent-husband has filed Hindu Marriage Petition No.102 of 2017 before Civil Judge, Senior Division at Beed. The learned counsel submits that the applicant-wife is an educated woman and she has also knowledge about nursing. The learned counsel further submits that the distance between Beed to Kopergaon, District Ahmednagar is not much to cause inconvenience to the applicant-wife to attend the court dates at Beed. Learned counsel further submits that the respondent-husband is ready and willing to pay the travelling charges to the applicant-wife, if the matter is not transferred from Beed to Kopergaon. Learned counsel submits that civil proceeding and criminal proceedings are lying before the Civil Judge S.D. and

aaa/-

Judicial Magistrate First Class, and, therefore, no benefit to the either parties by transfer of the proceedings from one District to another District. If the proceedings is transferred from Beed to Kopergaon, then the irreparable loss would cause to the respondent-husband. Hence, misc. civil application be dismissed.

6. In the cases relied upon by learned counsel for the applicant-wife, it is reiterated by almost all the courts that, in matrimonial proceedings, the convenience of the wife is paramount consideration.

7. Though the applicant-wife is an educated woman, however, she is young lady and every time it is not possible for her to attend the court dates at Beed along with her two children. On the other hand, the respondent-husband can attend the court dates conveniently at Kopergaon, District Ahmednagar, if the Hindu Marriage Petition No.102 of 2017 filed by him is transferred from Beed to Kopergaon, District

Ahmednagar. Thus, considering entire aspects of the case, I proceed to pass the following order :-

ORDER

- I. Miscellaneous Civil application is allowed in terms of prayer clause "C".
- II. Miscellaneous Civil application is accordingly disposed off.

(**V.K. JADHAV, J.**)

...