

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

MISC. CIVIL APPLICATION NO.74 OF 2022

PREETI MANGESH AHER
VERSUS
MANGESH BALASAHEB AHER

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Advocate for the applicant : Mr. Balaji S. Shinde,
Advocate for the respondent : Mr. V.H. Dighe

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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 06.10.2022.

PER COURT :-

Heard rival submissions. The applicant - wife is seeking transfer of Hindu Marriage Petition No. 15/2022 filed by the respondent – husband for getting divorce in the Court of learned Civil Judge (Senior Division), Sangamner, District Ahmednagar to the learned Civil Judge (Senior Division) at Pune.

2. According to the learned counsel for the applicant – wife, the parents of applicant – wife made huge expenses to the tune of Rs. 20,00,000/- (Rupees Twenty Lakh only) for her marriage with the respondent. However, due to mental and physical illtreatment at the hands of respondent and his relatives, the applicant -wife had to reside with her parents at Pimple- Saudagar, Pune. He further submits that the applicant gave birth to a female child i.e. Trisha just recently on 31.03.2021, and therefore, considering the tender age of Trisha, it would not be convenient for her to attend the dates of the aforesaid marriage petition filed by the respondent at Sangamner. Further, the learned counsel for the applicant also submits that considering the previous

conduct of respondent and his relatives, there may be possibility of giving threats to the applicant by the respondent – husband, if she attends the Court of Civil Judge (Senior Division) at Sangamner.

3. On the contrary, the learned counsel for respondent – husband has strongly resisted the aforesaid submissions made on behalf of wife. According to him, the respondent -husband was in service with private Company at Pune in the initial period, however, due to dispute with the applicant, he had to leave the said job and come to reside at his native place at Nimgaon Tembhi, Taluka Sangamner. The learned counsel for the respondent – husband further submitted that father of applicant though was in service at Pune, but he has now retired and having agricultural land and house at Gunjalwadi, Tq. Sangamner. He, therefore, comes to Gunjalwadi frequently to look after the agricultural business. As such, the learned counsel for respondent submits that it would be easier for applicant -wife to attend the dates of the said marriage petition at Sangamner. According to him, the petitioner is also ready to bear the necessary expenses.

4. Admittedly, the applicant – wife is residing at Pune with her parents and respondent – husband has filed divorce petition against her in the Court of Civil Judge (Senior Division) at Sangamner. Though it is claimed by the respondent that the native place of the parents of applicant -wife is at Gunjalwadi, Taluka Sangamner, but it seems that most of the part of their life has gone in Pune where they have settled due to service. Further, in the judgment relied upon by the applicant -wife in the case of ***Sayali Swapnil Kuber Vs. Swapnil Harischandra Kuber*** reported in ***2014 (1) MHLJ***

584, it has been observed by this Court that convenience of wife is to be considered. Further, though there is provision in the law that the applicant -wife can claim the cost of litigation as well as incidental travelling charges if any proceeding is attended by her at a distant place, but in the instant matter the applicant - wife is having female child of tender age i.e. only one and half years.

5. Under such circumstances and considering the tender age of her daughter, it would be definitely inconvenient for her to attend the dates of divorce petition filed by the respondent -husband at Sangamner. In view of the same, following order is passed :

ORDER

- (i) The application is hereby allowed.
- (ii) The Hindu Marriage Petition No.15/2022 pending in the Court of Civil Judge (Senior Division), Sangamner is transferred to the Court of Civil Judge (Senior Division), Pune.
- (iii) The respondent -husband is directed to appear before the Court of Civil Judge (Senior Division), Pune on 14.11.2022.
- (iv) The learned Civil Judge (Senior Division), Pune is directed to expedite the aforesaid Hindu Marriage Petition No.15/2022 and to decide the same as early as possible preferably within nine months from the date of this order.
- (v) The application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

shp/-