

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

961 MISC.CIVIL APPLICATION NO.144 OF 2019

**SUSHAMA DNYANESHWAR MUNJEWAR
VERSUS
DNYANESHWAR BABURAO MUNJEWAR**

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Mr. Shaikh Shoyab, Advocate for the applicant.
Mr. Sachin Panale, Advocate for the respondent.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 09.12.2022.

ORDER:-

1. Heard the rival submissions. The applicant-wife is seeking transfer of HMP No.130/2018 filed by respondent husband for getting divorce, from the Court of Civil Judge (Senior Division), Udgir to the Court of Civil Judge (Senior Division), Osmanabad.

2. The learned Counsel for the respondent strongly opposed the application on the ground that the applicant as well as the respondent are both service in MSRTC on the post of Clerk.

3. It appears that the proceeding filed by the applicant under the PWDV Act against the respondent and his family members is going on at Osmanabad wherein the respondent has already appeared. Further, the learned Counsel for the respondent during the course of argument stated that the respondent at present is posted at Latur. Therefore, considering the distance between Latur and Osmanabad, the

comparative hardship will be to the applicant than the respondent, if the HMP No. 130 of 2018 is allowed to be proceeded at Udgir. The Hon'ble Supreme Court in many cases has taken a view that the convenience of wife is to be seen first in transfer cases. In the instant matter also the convenience of wife can be seen especially when the respondent who is posted at Latur, can attend the dates at Osmanabad more comfortably. In view of the same, following order is passed.

ORDER

- (i) The application is allowed.
- (ii) HMP No. 130/2018 is hereby transferred from the Court of Civil Judge (Senior Division), Udgir to the Court of Civil Judge (Senior Division), Osmanabad for its disposal according to law.
- (iii) The respondent is directed to appear before the learned Civil Judge (Senior Division), Osmanabad on or before 16th January 2023.
- (iv) The application is accordingly disposed of. However, it is directed to the applicant to proceed with her D.V. Application at Osmanabad without seeking any unnecessary adjournment.

(SANDIPKUMAR C. MORE, J.)