

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

MISC. CIVIL APPLICATION NO. 196 OF 2021

Asha w/o Sanket Powar

Applicant

Versus

Sanket s/o Pandit Powar

Respondent

Mr. S. B. Choudhari, advocate for the Applicant

Mr. Y. B. Bolkar, advocate for the Respondent.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 01st December, 2022.

PC :

1 Heard rival submissions.

2 The applicant-wife is seeking transfer of HMP No.333 of 2020, filed by the respondent-husband for getting divorce, from the Court of CJSD Panvel to Family Court, Beed.

3 The respondent-husband has strongly opposed the application by filing affidavit-in-reply mentioning that the applicant is Medical Officer and, therefore, can attend the dates at Panvel since she is earning handsomely.

4 The learned Counsel for the applicant submits that earlier the applicant was posted at Thane but subsequently she got transferred to Aurangabad. Her parents reside at Beed and, therefore, she can attend the dates at Beed if the aforesaid petition is transferred to Beed. He also pointed out that at Beed, the applicant has already filed three proceedings, viz. (i) Proceedings under the provisions of Protection of Women from Domestic Violence Act, 2005; (ii) Criminal Case under Section 498-A of IPC; and (iii) Petition for restitution of conjugal rights. According to him, the respondent has already appeared in these proceedings. Therefore, at this juncture, considering the distance of 400 Kms between Beed and Panvel, it would be highly difficult for the applicant to attend the dates at Panvel. Further, the Hon'ble Apex Court has recently observed in many judgments that convenience of the wife should be given prime consideration in transfer matters.

In view of the same, following order is passed:

- (i) Misc. Civil Application is hereby allowed.
- (ii) HMP No. 333 of 2020 is transferred from the Court of Civil Judge, Senior Division, Panvel to Family Court Beed, for its

simultaneous disposal along with Petition A.No. 15 of 2021, pending therein, according to law.

(ii) The respondent is directed to appear before the Family Court Beed, on or before 02nd January, 2023.

(SANDIPKUMAR C. MORE)
JUDGE

adb