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

MISC. CIVIL APPLICATION NO.212 OF 2021

SMT. PRADNYA SWAPNIL KHOLLAM
VERSUS
SWAPNIL CHIMAN KHOLLAM

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Mr Ajinkya Kale, Advocate for applicant

Mr V. H. Dighe, Advocate for respondent

CORAM : SMT. BHARATI DANGRE, J.

DATE : 13th January, 2022

PER COURT:

1. The applicant - wife seek transfer of the proceedings filed by respondent husband in the Family Court at Pune to the Family Court at Aurangabad on the ground of inconvenience, since she has to undertake travel for more than 250 kms. one way. Though the synopsis mention that there a girl child of 19 months, the said contention is sought to be deleted by carrying out necessary amendment in the synopsis.

Heard the learned Counsel for the applicant and learned Counsel for the respondent.

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The marriage between parties was solemnized in February 2019 and respondent - husband instituted proceedings bearing A-997/2020 before the Family Court, Pune, seeking divorce by invoking Section 13 of the Hindu Marriage Act, 1955. The wife has not instituted any proceedings.

2. The applicant wife is presently unemployed, whereas respondent husband is a Government servant and it is informed that he is working as Naib Tahasildar and posted at Election Branch at Pune. The difficulty posed by the learned Counsel for the respondent husband is obtaining leave on the working days, specially when he is entrusted to election department.

The applicant, on the contrary, is informed to be prosecuting her law course, which at present, in any case, do not require her to attend physically, since classes are going virtually on account of pandemic.

3. As far as inconvenience posed to the applicant, the learned Counsel or the respondent make a solemn statement that, he shall arrange for the finances for the travel to be undertaken by the applicant from Aurangabad to Pune and shall deposit the necessary expenses before the Family Court on submission of the

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actual bills for undertaking the travel and if necessary, for lodging and boarding also.

4. Though the Counsel for the applicant has vehemently argued that convenience of the wife is of paramount consideration, it is also should be borne in mind that a principle of dominus litis permit the respondent - husband to institute the proceedings in the Court, where the jurisdiction lies. In this case specifically when the husband is a Government servant and it would be difficult to attend the proceedings, the balance of convenience lies in his favour. As far as convenience of the wife is concerned, apart from travel expenses being arranged by the respondent, the learned Judge of the Family Court, Pune, is requested to exempt her presence except when it is necessary viz. the date of examination/cross examination of the witnesses.

In the wake of the aforesaid, Misc. Civil Application, seeking transfer is declined, with the aforesaid directions issued.

(SMT. BHARATI DANGRE, J.)

sjk