

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

MISC. CIVIL APPLICATION NO. 263 OF 2021

Sou. Bhavana Sandip Pimpale

...Applicant

Versus

Shri. Sandip Vitthal Pimpale

...Respondent

.....
Mr. N. C. Garud, Advocate for the applicant
Mr. Amol S. Gandhi, Advocate for respondent
.....

**CORAM : BHARATI H. DANGRE, J.
DATE : JANUARY 10TH, 2022**

PER COURT : -

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

2. The applicant/wife is seeking transfer of the proceedings instituted by the respondent-husband in the form of HMP No.82/2021 in the Court of learned Civil Judge Senior Division at Kopergaon to the Family Court at Ahmednagar. The marriage between the applicant and respondent being solemnized in the year 2012, there is a four year old child born out of the wedlock. The applicant-wife has instituted proceedings bearing HMP (PA)

No.20/2021 by invoking Sections 13(1)(ia)(ib) of the Hindu Marriage Act, 1955 for dissolution of marriage, which is pending before the Family Court at Ahmednagar, in which the respondent-husband has already put his appearance.

3. The inconvenience projected by the applicant/wife is on account of the journey required to be undertaken by her to travel to Kopergaon from Ahmednagar, which is located at a distance of approximately 100 kilometers and with the little girl of four years it would pose severe difficulties for her and that is projected as a ground for transfer.

4. Though the Counsel for the respondent/husband state that he will bear the expenses of the journey to be undertaken by the applicant/wife to attend the proceedings at Kopergaon, I am not inclined considering the inconvenience of the wife and particularly when she has a four year child in her lap. I do not think the suggestion by the Counsel for the respondent to bear the expenses of the journey, would suffice.

5. Looking to the inconvenience being posed to the applicant-wife, the Misc. Civil Application No. 263 of 2021 is allowed in terms

of prayer clause 'B', which reads as under :

“B. This Hon'ble Court may be pleased pass the order thereby transferring the HMP No. 82/2021 filed by the respondent/husband in the court of learned C.J.S.D. at Kopargaon to the learned family court at Ahmednagar District Ahmednagar.”

6. Upon the application being allowed, the Civil Judge Senior Division, Kopargaon shall forthwith transmit the record and proceedings of HMP No.82/2021 pending on it's file to the Family Court at Ahmednagar.

7. No order as to costs.

[BHARATI H. DANGRE]
JUDGE