

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

935 MISC.CIVIL APPLICATION NO.254 OF 2021

ANURADHA CHANDRAKANT TANDALE
VERSUS
CHANDRAKANT VITTHALRAO TANDALE

...
Advocate for Applicants : Bodkhe Chandrakant V

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CORAM : PRITHVIRAJ K. CHAVAN, J.
DATE : 04.05.2022

PER COURT :-

This is an application under Section 24 of the code of civil Procedure by the applicant-wife seeking transfer of Hindu Marriage Petition No. A-87-2021 filed by the respondent-husband from Family Court, at Beed to Family Court at Aurangabad.

2. Despite service and due opportunities, the respondent has not filed his say nor appeared today.
3. On 13th April, 2022, the application was kept for final disposal at the stage of admission. It appears that the respondent is not interested in proceeding further in this matter.

4. Heard learned counsel for the applicant Mr. C.V. Bodhkhe.

5. The marriage of the applicant and the respondent was solemnized on 28th March 2016 at Agresen Bhavan Aurangabad. The couple is blessed with a male child born on 11th April, 2017. The son is now in the custody of the applicant.

6. The applicant had also initiated a proceeding under the Protection of Women From Domestic Violence Act, 2005, No.149 of 2020 in the Court of learned Judicial Magistrate, First Class, Aurangabad.

7. It is contention of the learned counsel for the applicant that she has no independent source of income. She is totally dependent on her old aged mother. Her father is no more.

8. The respondent is an ex-service man, as stated by him, in his application seeking divorce, who came to be suspended in a departmental enquiry. It is submitted that now the respondent is doing some business. The distance between Aurangabad to Beed is 130 K.M. Considering the

age of the son of the applicant, and she being a lady who is totally depending upon her mother, it is difficult for her to travel from Aurangabad to Beed. It would be a great inconvenience to her to travel such a long distance to attend the Court with a small child.

9. Having considered, the aforesaid circumstances, coupled with the fact that the respondent, despite opportunities has not contested this application, it would be just and proper to grant the prayer of the applicant.

10. The learned counsel for the applicant has also placed reliance upon a Judgment of the Supreme court in the case of **Sunita Singh Vs. Kumar Sanjay and others reported 2001 SCC** page 41 wherein it is held that convenience of the wife should be looked into, while transferring the matrimonial proceeding.

As such following order is expedient.

ORDER

- (a) This Misc. Application is allowed.
- (b) The Petition-A No. 87 of 2021 Old HMP No. 29/2017) shall stand transferred from the Family Court Beed to the Family Court at Aurangabad.

(c) The learned Judge, Family Court at Aurangabad shall expedite the hearing of the proceeding bearing Petition No. A-87 of 2021 by giving due opportunities to the respective parties.

(d) The application stands disposed of in aforesaid terms.

**(PRITHVIRAJ K. CHAVAN,)
JUDGE**

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