

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

MISC. CIVIL APPLICATION NO. 329 OF 2021

Sow. Mira w/o Mahadev Shinde
@ Mira d/o Fulchand Choudhari,
Age 26 years, Occ. Service,
R/o. Paithan (Sawleshwar), Tq. Kaij,
Dist. Beed, at present at C/o. Galaxy
CARE Multispeciality Hospital Pvt. Ltd.
25-A, Near Garware College, Karve Road,
Pune. ... Petitioner

VERSUS

Mahadev s/o Bhagwan Shinde,
Age 30 years, occ. Agriculture,
R/o. Karsa, Tq. & Dist. Latur. ... Respondent.

...
Advocate for the Applicant : Mr. P. K. Nikam
Advocate for the Respondent : Mr. Santosh B. Bhosle

CORAM : MANGESH S. PATIL, J.
DATE : 15.07.2022.

PER COURT :

This is an application for transfer of a proceeding on the request of the applicant-wife under Section 24 of the Code of Civil Procedure.

2. I have heard the learned advocates of both the sides and perused the papers including the affidavit in reply.

3. The learned advocate for the applicant submits that the applicant has been in an employment and residing in Pune. The respondent has initiated a restitution proceeding which is pending in a court at Latur. The distance between the two places is around 325 kms. It is difficult for her to commute between the places while doing job as a trained nurse at

a Multispeciality Hospital in Pune. She is a woman. She will have to travel all alone and may have to spend for travelling, lodging and boarding if she has to defend the matter by commuting between Pune and Latur. As against this the respondent has huge agricultural land and has been earning handsome income. He can easily travel to Pune to prosecute his petition.

4. Learned advocate for the respondent by referring to the decision in the case of **Anindita Das Vs. Srijit Das; (2006) 9 SCC 197** submits that he is ready to bear the expenses if the applicant has to travel to Latur. He would further submit that in spite of his strenuous efforts she has not responded for resuming matrimonial ties. He is left with no alternative. He had to file a proceeding for restitution and the application be rejected.

5. True it is that deviating from the usual course being followed by the Supreme Court, in the matter of **Anindita Das** (supra) instead of transferring the matter it issued direction to the husband to bear the travelling and lodging expenses of the wife. It is, therefore, trite that even in the matter of **Anindita Das** (supra) the Supreme Court has emphasized, in like plethora of decisions that leniency has to be shown to the women in such matters.

6. No exceptional circumstance has been brought on record by the respondent to demonstrate that this case requires a special treatment deviating from the well established course of bearing in mind convenience of the wife.

7. There is no dispute about the fact that the applicant is a trained nurse doing a job at a Multispeciality Hospital in Pune. Considering the nature of the job coupled with the distance between Pune and Latur it would certainly be inconvenient for the applicant and even would affect her job adversely if she is made to commute between the places which,

going by the distance between them even would require the applicant either to travel overnight or to stay back. Being a woman, she cannot be expected stay put in a lodge alone. As against this, when the respondent has not disputed his financial condition and has not shown any obstacle in his prosecuting the matter at Pune, it would be appropriate to transfer the petition from Latur to Pune.

8. The Application is allowed. Hindu Marriage Petition No. A-349/2021 pending on the file of the Family Court, Latur is transferred to Family Court, Pune.

9. The parties shall appear before the Family Court at Pune on 30.07.2022.

(MANGESH S. PATIL, J.)

mkd/-