

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

963 MISC.CIVIL APPLICATION NO.10 OF 2020

NILAMDEVI ALIAS ASHWINI UMESH SING PARDESHI  
VERSUS  
UMESH SING HIRASING PARDESHI (RAJPUT)

...

Advocate for Applicant : Mr. Bolkar Yogesh B.  
Advocate for Respondent : Mr. Pankaj A. Bharat

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**CORAM : SANDIPKUMAR C. MORE, J.  
DATED : 24/11/2022.**

***P. C. :***

1. Heard rival submissions.
2. The applicant wife is seeking transfer of HMP No. 473 of 2019 from the court of 5<sup>th</sup> Jt. CJSD Ahmednagar to the court of learned CJSD, Dhule. The aforesaid petition is filed by the respondent husband for getting divorce.
3. The learned counsel for the applicant submits that the applicant is not having any source of income and the distance between Shripur and Ahmednagar is of 350 Kms and as such, it would be difficult for her to attend the dates at Ahmednagar. He further submits that applicant is also having minor son, aged about 6 years.
4. On the contrary, the learned counsel for the respondent husband submits that the husband is ready to bear the expenses of travelling if the applicant has to attend the dates at Ahmednagar. He pointed out that the respondent is maintaining two daughters at present. As such, he prayed for dismissal of the petition.

5. It is not in dispute that out of the three children, two daughters are being maintained by the respondent husband and only one minor son is residing with the applicant wife. However, on the point of transfer it has been settled that comparative hardship is to be seen and in the instant matter the applicant is not having any independent source of income. Moreover, the distance between Dhule and Ahmednagar is also around 300 Kms. and therefore, the applicant would suffer from great hardship, if she is asked to attend the dates at Ahmednagar even though the respondent is ready to bear the expenses. In view of the same, following order is passed.

#### ORDER

- A) The application is hereby allowed.
- B) The HMP NO. 473 of 2019 is hereby transferred from the court of 5<sup>th</sup> Jt. CJSD, Ahmednagar to the court of CJSD, Dhule for disposal according to law.
- C) The respondent is directed to appear before CJSD, Dhule on or before 19/12/2022.
- D) The application is accordingly disposed of.

( SANDIPKUMAR C. MORE, J. )