

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

MISC. CIVIL APPLICATION NO. 38 OF 2023

Sow. Rashmi Sumitkumar Pampatwar Applicant

Versus

Sumitkumar Anilkumar Pampatwar Respondent

Mr. P. N. Sonpethkar, advocate for the Applicant

Mr. R. B. Deshmukh with Mr. R. R. Deshmukh, advocates for
the Respondent.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 13th July, 2023.

PC :

1 Heard rival submissions.

2 The applicant-wife is seeking transfer of Marriage
Petition No.A-615 of 2022, filed by the respondent-husband
for getting divorce, from the Family Court, Solapur to the
Family Court, Parbhani

3 According to the applicant, she is not having any
independent source of income. She is also maintaining six
years' old daughter without any financial support from the

respondent-husband. Further, the distance between Solapur and Parbhani is 282 Kms and, therefore, she is unable to attend the dates at Solapur.

4 On the contrary, the learned Counsel for the Respondent, relying upon the affidavit-in-reply of the respondent, strongly opposed the application on the ground that there would be threat to the life of the respondent from the relatives of the applicant at Parbhani. According to him, the respondent is also ready to provide conveyance charges to the applicant in case she attends the dates at Solapur.

5 However, it seems that the respondent, on his own, has not provided any maintenance either to the applicant or his own daughter. It is now well settled that the convenience of the applicant-wife needs to be seen ahead of the convenience of the husband. In the instant case, the applicant is not having any source of income and the distance between Solapur and Parbhani is around 282 Kms. Further, the applicant is also maintaining six years' old daughter.

Therefore, considering the convenience of the applicant-wife,
following order is passed:

- (i) Misc. Civil Application is hereby allowed.
- (ii) The Petition No.A-615 of 2022 is hereby transferred
From the Family Court, Solapur to Family Court, Parbhani,
for disposal according to law.
- (iii) The learned Family Court, Parbhani, is directed to
dispose of the aforesaid Petition as early as possible and the
applicant shall not seek unnecessary adjournments.
- (iv) The Respondent is directed to appear before the
Family Court, Parbhani, on or before 1st August, 2023.
- (v) Misc. Civil Application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE