



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

MISC. CIVIL APPLICATION NO. 53 OF 2021

Sow. Varsha w/o Ambadas Mundhe,
Age : 28 years, Occu. : Staff Nurse,
R/o. : Civil Hospital Hingoli,
Tq. & Dist. Hingoli.

.. Applicant

Versus

Ambadas s/o Vaijanath Mundhe,
Age : 30 years, Occu. : Service,
R/o. : Lad Zari, Tq. Parali Vaijanath
Dist. Beed.

.. Respondent

Mr. Dhananjay M. Shinde, Advocate for the Applicant.
Mr. S. B. Madde, Advocate h/f Dr. Supriya Pansambal, Advocate for
Respondent.

CORAM : SHAILESH P. BRAHME, J.

DATE : 13th DECEMBER, 2023.

PER COURT :-

- . Heard the learned counsel for both the sides finally.
2. By way of this application, the applicant is seeking transfer of the proceedings filed before Civil Judge Senior Division, Ambejogai to the Civil Judge Senior Division, Hingoli.
3. The learned counsel for the applicant submits that, it is not possible for the applicant to attend the proceedings by travelling from Hingoli to Ambejogai.

4. I have considered rival submissions. I record following findings :

- i. It is inconvenient for the applicant to travel and attend the proceedings at Ambejogai.
- ii. There is no issue out of wedlock.
- iii. She is staying with her parents.
- iv. Her sufferings and hardships are apparent.
- v. There is nothing on record to show that the respondent is unable to attend the proceedings by travelling from Ambejogai to Hingoli.

5. A useful reference can be made to the law laid down by the Supreme Court and this Court in the following matters :

- a) *Sumita Singh Versus Kumar Sanjay*, **2002 AIR (SC) 396** ;
- b) *Soma Choudhury Versus Gourab Choudhary*, **(2004) 13 Supreme Court Cases 462** ;
- c) *Sangamitra Ramakant Royalwar Versus Ramakant Gangaram Royalwar*, **2009 (1) Mh.L.J. 303** ;
- d) *Anita Balkrishna Barge Versus Balkrishna Sopan Barge*, **2011 (1) Mh.L.J. 518** ;
- e) *Mahadevi Gopal Mehetre Versus Gopal Prabhakar Mehetre*, **2016 (4) All.M.R. 599** ;
- f) *Vaishali Shridhar Jagtap Versus Shridhar Vishwanath Jagtap*, **2016 AIR (SC) 3584** ;

g) *Pooja Rohan Jadhav Vresus Rohan Ramesh Jadhav*, **order passed by High Court, Bench at Aurangabad in MCA No. 171 of 2018 ;**

h) *Ashwini Kailas Patil Versus Shivajirao Anandrao Gaekwar*, **order passed by High Court, Bench at Aurangabad in MCA No. 46 of 2020.**

6. For the reasons stated above, I pass following order :

ORDER

- i. The Miscellaneous Civil Application is allowed.
- ii. The H.M.P. No. 166/2020 pending before the Civil Judge Senior Division, Ambejogai, shall stand transferred to the Civil Judge Senior Division, Hingoli.
- iii. An endeavour be made to decide the proceedings finally as expeditiously as possible.
- iv. The concern Court shall transmit the papers immediately.
- v. The parties to appear before the Civil Judge Senior Division, Hingoli on 11th January, 2024.
- vi. All the proceedings pending at a place where the applicant is residing be preferably posted on same date.

(SHAILESH P. BRAHME, J.)

PS.B.