

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO.80 of 2023

Sneha Satish Sonawane Applicant

Versus

Satish Rajendra Sonawane Respondent

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Mr. R.C. Bramhankar, Advocate h/f Mr. H.P. Randhir, Advocate
for Applicant

Ms. Disha Sasane, Advocate (appointed) for Respondent

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 21st September , 2023

ORDER :

1. This application filed by applicant/wife under Section 24 of the Code of Civil Procedure, seeks transfer of Marriage Petition No.810 of 2022 pending before learned Civil Judge, Senior Division, Pune to the Court of Civil Judge, Senior Division, Bhusawal, District Jalgaon.

2. It is the case of applicant/wife that Pune is at a distance of more than 440 km. from Bhusawal and it would be inconvenient for her to attend the proceeding at Pune. She has filed PWDVA application No.99 of 2022 in the Court of Judicial Magistrate First, Class, Bhusawal and the respondent/husband

is attending the said proceeding at Bhusawal. She therefore seeks transfer of proceeding from Pune to Bhusawal.

3. Learned advocate appointed for respondent strenuously opposed the application, contending that respondent is a Taxi driver and he will be facing serious hardship if the proceeding is transferred to Bhusawal. He will not be able to attend the proceedings at Bhusawal on multiple dates.

4. It is well settled principle of law that convenience of the wife needs to be considered while deciding application for transfer of proceeding. In ***N.C.V. Aishwarya Vs. A.S. Saravana Karthik Sha, 2022 SCC OnLine SC 1199***, it is held;

"9. The cardinal principle for exercise of power under Section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Court are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing sociology-economic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer."

8. In the light of aforesaid ratio and considering the fact that PWDVA application No.99 of 2022 filed by the applicant/wife is pending in the Court at Bhusawal, and the respondent/husband is attending the same, it is desirable to transfer proceeding of Hindu Marriage Petition No.810 of 2022 pending in the Court of Civil Judge, Senior Division, Pune to the Court of Civil Judge, Senior Division at Bhusawal. In the result, following order:

ORDER

- (I) Civil Miscellaneous Application is allowed in terms of prayer clause (B).
- (II) The Trial Court as well as learned Magistrate before whom PWDVA application No.99 of 2022 is pending are directed to keep both the proceedings on one date for the convenience of respondent/husband.
- (III) Fees of the learned advocate appointed to represent respondent/husband is quantified at Rs.2,500/-. The High Court Legal Services, Sub-Committee, Aurangabad, to pay the same within a period of four weeks from today.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane