

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

MISC.CIVIL APPLICATION NO.94 OF 2023

**POONAM VIJAY BAGADE
VERSUS
VIJAY SURESH BAGADE**

...
Advocate for Applicant : Mr. Amol Sudam Mali
Advocate for Respondent : Mr. Nikhil P. Ghanwat
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 31st AUGUST, 2023

PER COURT :

1. This application is filed by the applicant/wife seeking transfer of proceeding i.e. H.M.P. No.40/2022 pending before the learned Civil Judge, Senior Division, Shrirampur, to the Court of learned Civil Judge, Senior Division, Dhule.
2. Heard learned advocate for applicant and learned advocate for respondent. Perused the memo of application, annexures thereto and the reply filed by respondent.
3. It is the contention of applicant wife that presently she is residing at her maternal house at Shirpur and distance between Shirpur to Shrirampur is nearly 305 Kms. Her parents are old and therefore, they are not in a position to accompany her at the time of traveling. She has no source of income and therefore, she is not in a position to bear the traveling expenses.
4. Learned advocate for respondent husband vehemently

opposed the prayer contending that the respondent husband is in Government Service and it would be inconvenient for him to attend the proceedings, if the same is transferred to the Court at Dhule.

5. It is well settled principal of law that ordinarily convenience of the wife needs to be considered, while deciding application for transfer of proceeding.

6. In N.C.V. Aishwarya Vs. A.S. Saravana Karthik Sha, 2022 SCC OnLine SC 1199, it is held;

"9. The cardinal principal 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."

7. In the light of aforesaid ratio and in view of the facts of the present case, it is clear that, it would be inconvenient for applicant wife to travel such a long distance to attend the proceedings at Shrirampur. The application, therefore, deserves to be allowed. In the result, following order:

ORDER

1. Civil Miscellaneous Application is allowed.
2. Hindu Marriage Petition No.40/2022 pending before the learned Civil Judge, Senior Division, Shrirampur, is hereby transferred to the Court of learned Civil Judge, Senior Division, Dhule.

(NITIN B. SURYAWANSHI, J.)