

CORRECTED COPY

This order is corrected as per Court's Order dated 08.12.2023

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

1034 MISC.CIVIL APPLICATION NO.104 OF 2018

**POONAM YOGESH DESALE
VERSUS
YOGESH BALU DESALE**

...
Advocate for Applicant : Mr. Patil Vinod Prakash
...

CORAM : SHAILESH P. BRAHME, J.

DATE : 01st DECEMBER, 2023

PER COURT :

1. Heard the learned counsel for applicant.
2. None for the respondent.
3. By way of this application, the applicant is seeking transfer of the proceedings of dissolution of marriage filed before the Civil Judge Senior Division, Malegaon, to Civil Judge Senior Division, Amalner, District Jalgaon.
4. The learned counsel for the applicant submits that it is not possible for the applicant to attend the proceedings by travelling from Amalner to Malegaon.
5. I have considered rival submissions. I record following findings :

- i. It is inconvenient for the applicant to travel and attend the proceedings at Malegaon.
- ii. She has two children out of wedlock. She resides with her father.
- iii. Her sufferings and hardship are apparent.
- iv. There is nothing on record to show that the respondent is unable to attend the proceedings by travelling from Amalner to Malegaon.
- v. The applicant has initiated proceedings at Amalner against the respondent.

6. 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.**

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

ORDER

- i. The Miscellaneous Civil Application is allowed.
- ii. The H.M.P. No. 74 of 2018 pending before the Civil Judge Senior Division, Malegaon, shall stand transferred to Civil Judge Senior Division, Amalner, District Jalgaon.
- 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 Court at Amalner on 18th December, 2023.
- vi. All the proceedings pending at a place where the applicant is residing be preferably posted on same date.

[SHAILESH P. BRAHME, J.]