



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

MISCELLANEOUS CIVIL APPLICATION NO. 87 OF 2019

Suchita w/o Amol Bamne @
Suchita Rupsing Kadam,
Age : 36 years, Occu. : Medical Practitioner,
C/o Shakuntala Rupsing Kadam,
At Present R/o Eknath Nagar, Kedgaon,
Nepti Road, Ahmednagar,
Tq. and Dist. Ahmednagar. .. Petitioner

Versus

Amol S/o Eknath Bamne
Age : 36 years, Occu. : Doctor,
R/o Kamalkunj Niwas, Arunodaya
Colony, Karve Naka, Karad,
Tq. Karad, Dist. Satara-415119. .. Respondent

Ms. Sushmita Kamble, Advocate h/f Shri D. R. Jayabhar,
Advocate for the Applicant.
The Respondent is served – absent.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 05TH DECEMBER, 2023.**

FINAL ORDER :

- . Heard the learned counsel for the applicant.
2. When the matter is called out none appears for the respondent, though served.
3. By way of this application, the applicant is seeking transfer of the proceedings of dissolution of marriage filed before the

Court of Civil Judge Senior Division, Karad to the Family Court at Ahmednagar.

3. The learned counsel for the applicant submits that it is not possible for the applicant to attend the proceedings by travelling from Ahmednagar to Karad, Dist. Satara. The applicant is having two minor children and is residing with her parent. The applicant has no source of income.

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

(i) It is inconvenient for the applicant to travel and attend the proceedings at Karad, Dist. Satara.

(ii) She has no source of income and she is staying with her parent. She is having two minor children.

(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 Karad to Ahmednagar.

(v) The applicant has initiated proceedings at Ahmednagar against the respondent.

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 Vs. Kumar Sanjay reported in (2001) 10 SCC 41.
 - B. Soma Choudhury Vs. Gourab Choudhary reported in (2004) 13 SCC 462.
 - C. Vaishali Shridhar Jagtap Vs. Shridhar Vishwanath Jagtap reported in (2016) 14 SCC 356.
 - D. Sangamitra Ramakant Royalwar Vs. Ramakant Gangaram Royalwar reported in 2009 (1) Mh.L.J. 303.
 - E. Anita Balkrishna Barge Vs. Balkrishna Sopan Barge reported in 2011 (1) Mh.L.J. 518.
 - F. Mahadevi Gopal Mehetre Vs. Gopal Prabhakar Mehetre reported in 2016(4) All M.R. 599.
 - G. Judgment and order dated January 11, 2019 in Misc. Civil Application No. 171 of 2018 in the matter of Pooja Rohan Jadhav Vs. Rohan Ramesh Jadhav.
 - H. Judgment and order dated 01 July 2022 in Misc. Civil Application No. 46 of 2020 in the matter of Ashwini Kailas Patil Vs. Shivajirao Anandrao Gaekwar.
6. For the reasons stated above, I pass following order.

O R D E R

- a. The Misc. Civil Application is allowed.
- b. The H.M.P. No. 03 of 2018 pending before the Court of Civil Judge Senior Division, Karad, Dist. Satara shall

stand transferred to the Family Court at Ahmednagar.

- c. An endeavour be made to decide the proceedings finally as expeditiously as possible.
- d. The concern court shall transmit the papers immediately.
- e. The parties to appear before the Family Court at Latur on 03.01.2024. The applicant undertakes to communicate date of appearance and this order to the respondent.
- f. All the proceedings pending at a place where the applicant is residing be preferably posted on same date.

[SHAILESH P. BRAHME, J.]

bsb/Dec. 23