



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

MISC. CIVIL APPLICATION NO. 123 OF 2023

Seema @ Namrata w/o Rahul Kamble

Age : 27 years, Occu. : Housewife

R/o. : Phule Nagar, Majalgaon,

Tq. Majalgaon, Dist. Beed.

Now R/o. Room No. 1, Matoshree House,

Gut No. 619, Near Shivalay Tmple Kesnand,

Tq. Haveli, Dist. Pune.

.. Applicant

Versus

Rahul s/o Mohanrao Kamble

Age : 33 years, Occu. : Agriculturist,

R/o. : Phule Nagar, Tq. Majalgaon, Dist. Beed.

.. Respondent

Mr. Amar V. Lavte, Advocate for the Applicant.

CORAM : SHAILESH P. BRAHME, J.

DATE : 13th DECEMBER, 2023.

PER COURT :-

1. Heard the learned counsel for the applicant.

2. When the matter is called out none appeared for the respondent, though served.

3. By way of this application, the applicant is seeking transfer of the proceedings H.M.P. No. 30/2020 filed before Civil Judge Senior Division, Majalgaon, District Beed to the Family Court, Pune. The applicant is also seeking transfer of the proceedings Civil Misc.

Application No. 41/2021 filed before the District Judge, Majalgaon,
District Beed to the Family Court, Pune

4. The learned counsel for the applicant submits that, it is not possible for the applicant to attend the proceedings by travelling from Pune to Majalgaon.

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

i. It is inconvenient for the applicant to travel and attend the proceedings at Majalgaon.

ii. There is no issue out of wedlock.

iii. She has no source of income and 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 Majalgaon to Pune.

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 Choudhury*, **(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 Versus 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. 30/2020 pending before the Civil Judge Senior Division, Majalgaon, District Beed and the Civil Misc. Application No. 41/2021 pending before the District Judge, Majalgaon, District Beed, shall stand transferred to the Family Court, Pune.
- 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 Family Court, Pune 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.