

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO.126 OF 2023

Manisha Kshitij Bhosale Applicant

Versus

Kshitij Balkrishna Bhosale Respondent

.....
Mr. Manoj A. Dond, Advocate for the Applicant
Mr. Paresh B. Patil, Advocate for the Respondent
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 24th AUGUST, 2023

ORDER :

1. Leave to Correct the prayer clause.
2. This application is filed by the applicant wife seeking transfer of divorce proceedings, bearing Marriage petition No.584 of 2023 filed by the respondent/husband, from the Court of learned Civil Judge, Senior Division, Belapur, Navi Mumbai, District Thane to Family Court at Aurangabad.
3. It is the contention of the applicant that the applicant is presently residing at Aurangabad at her maternal home and the daughter, namely Shravya aged 11 years stays with her. Her father expired recently and now she is staying with her mother. Distance between Belapur and Aurangabad is 324 km. Her mother is old and infirm and she is unable to travel such a long distance along with her on every date. In these

circumstances, it is not possible for her to attend the Civil Court at Belapur, where the proceeding is now pending.

4. Learned advocate for the husband vehemently opposed the prayer of the applicant for transfer of Marriage petition No.584 of 2023, from the Court of learned Civil Judge, Senior Division, Belapur to Family Court, Aurangabad, contending that the respondent is ready to bear the travel expenses.

5. Heard the learned advocate for the applicant and learned advocate for the respondent. Perused the memo of application, annexures thereto.

6. It is well settled principal of law that convenience of the wife is 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 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. It would cause inconvenience and hardship to the wife, if she asked to attend the Belapur Court by travelling such a long distance. The application, therefore, deserves to be allowed. Hence, the following order:

ORDER

- I) Civil Miscellaneous Application is allowed.
 - II) Divorce proceedings bearing Marriage Petition No.584 of 2023 pending in the Court of Civil Judge, Senior Division, Belapur is hereby transferred to the Family Court Aurangabad.
8. Hearing of the proceeding is expedited.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane