

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

1040 MISC.CIVIL APPLICATION NO. 160 OF 2023

**PUJA AKSHAY PAWAR
VERSUS
AKSHAY VINAYAK PAWAR**

Advocate for Applicant : Mr. Nagarsoge Sahebrao A.
Advocate for Respondents : Mr. Wagh Mukulanand R.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 19th DECEMBER, 2023**

PER COURT :

1. Heard the learned counsel for both the sides finally.
2. By way of this application, the applicant is seeking transfer of the proceedings of dissolution of marriage filed before the Civil Judge Senior Division, Ambajogai, District Beed, to Civil Judge Senior Division, Kalamb, District Osmanabad.
3. The learned counsel for the applicant submits that it is not possible for the applicant to attend the proceedings by travelling from Kalamb to Ambajogai.
4. The learned counsel for the respondent vehemently opposed the application. He submits that the application is frivolous. The applicant is able bodied person and is in a position to attend the proceedings at Dhule. She has suppressed material facts. The conduct of the applicant was objectionable. No discretion can be exercised in her favour.

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

- i. It is inconvenient for the applicant to travel and attend the proceedings at Ambajogai.
- ii. She has a minor child out of wedlock and he is residing with her.
- iii. She has no source of income and she is staying with her parents.
- iv. Her sufferings and hardship are apparent.
- v. There is nothing on record to show that the respondent is unable to attend the proceedings by travelling from Kalamb to Ambajogai.

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 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. Petition No. 138 of 2022 pending before the Civil Judge Senior Division, Ambajogai, District Beed, shall stand transferred to the Civil Judge Senior Division, Kalamb, District Osmanabad.
- 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 Kalamb on 24th 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.]