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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISCELLANEOUS CIVIL APPLICATION NO.147 OF 2023

Kiran Kundan Jaiswal

APPLICANT

VERSUS

Kundan Dhanlal Jaiswal

RESPONDENT

.....
Mr. Akash R. Singh h/f Mr. B. R. Kedar, Advocate for applicant
Mr. Nikhil Tekale h/f Mr. S. S.Khoche, Advocate for respondent
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 14th SEPTEMBER, 2023

ORDER :

1. This application is filed by the applicant/wife seeking transfer of proceeding i.e. Marriage Petition No. 323 of 2022 filed by respondent/husband for divorce, in the Court of learned Civil Judge, Senior Division, Amalner to the Court of learned Civil Judge, Senior Division, Bhusawal.
2. Heard the learned advocate for the applicant and learned advocate for the respondent. Perused the memo of application, annexures thereto and the reply filed by respondent.
3. It is the contention of the wife that it would be convenient for her if the proceedings are transferred at Bhusawal Court as

she is unable to attend the proceedings at Amalner Court.

4. Learned advocate for the respondent - husband vehemently opposed the prayer. He submits that the respondent is ready to bear the travelling expenses of the applicant.

5. It is well settled principal of law that ordinarily convenience of the wife needs to be considered while deciding application for transfer of proceeding.

6. 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. In view of the above observations, it is desirable to transfer proceeding of Marriage Petition No. 323 of 2022 pending in the Court of learned Civil Judge, Senior Division, Amalner to

the Court of learned Civil Judge, Senior Division, Bhusawal. In the result, following order:

ORDER

- A. Civil Miscellaneous Application is allowed.
- B. Marriage Petition No. 323 of 2022 filed by respondent/husband in the Court of learned Civil Judge Senior Division, Amalner is hereby transferred to the Court of learned Civil Judge, Senior Division, Bhusawal.

**[NITIN B. SURYAWANSHI]
JUDGE**