

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

1038 MISC.CIVIL APPLICATION NO. 157 OF 2023

SHRADDHA ALIAS PAURNIMA W.O SAGAR JADHAV ALIAS
SHRADDHA ALIAS PAURNIMA D.O SUNIL PAITHANE
VERSUS
SAGAR BHARAT JADHAV

...
Advocate for Applicant : Ms. P.P. Wangikar
h/f. Mr. Gore Ravindra Vitthal
Advocate for Respondent : Mr. Mayur Borse
...

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, Buldhana, to Family Court at Aurangabad.
3. The learned counsel for the applicant submits that it is not possible for the applicant to attend the proceedings by travelling from Buldhana to Aurangabad.
4. The learned counsel for the respondent submits that the application is frivolous. The applicant is able bodied person and is in a position to attend the proceedings at Buldhana. She has suppressed material facts. The conduct of the applicant was objectionable. No discretion can be exercised in her favour. He further submits that the

respondent is rendering services in the armed forces and he is unable to attend the proceedings.

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

- i. It is inconvenient for the applicant to travel and attend the proceedings at Buldhana.
- ii. She has no source of income and she is staying with her parents.
- 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 Buldhana to Aurangabad.

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 HMP No. 55 of 2022 pending before the Civil Judge Senior Division, Buldhana, shall stand transferred to Family Court at Aurangabad.
- 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 Aurangabad on 24th December, 2023.
- vi. All the proceedings pending at a place where the applicant is residing be preferably posted on same date.
- vii. Parties are at liberty to request to Court concerned to avail the remedy of video conferencing.

viii. Learned counsel for the respondent be awarded the remuneration as permissible in law.

[SHAILESH P. BRAHME, J.]