

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

982 MISC.CIVIL APPLICATION NO.173 OF 2022

**ASHWINI SHUBHAM SHIKARE
VERSUS
SHUBHAM SITARAM SHIKARE**

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Mr. Shailendra Gangakhedkar, Advocate for the applicant.
Mr. Kewal Dongre, Advocate for the respondent.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 13th April 2023.

ORDER:-

1. Heard rival submissions.
2. The applicant – wife is seeking transfer of Petition A.No.154/2022 filed by respondent- husband for getting divorce, from the learned Family Court, Aurangabad to the Court of learned Civil Judge (Senior Division), Shrigonda, District Ahmednagar.
3. According to the applicant-wife, she is not having any independent source of income. The distance between Aurangabad and Shrigonda is around 180 kms. Her father is doing labour work and therefore, unable to travel with her to attend the dates at Aurangabad.
4. On the contrary, learned counsel for the respondent-husband strongly opposed the application by filing affidavit in

reply of the respondent husband on the ground that the respondent is doing his post graduation and not an earning member at present, but he is ready to arrange the travelling expenses for the applicant-wife, if she has to attend dates at Aurangabad.

5. However, as per the current view taken by the Hon'ble Apex Court in the applications for transfer, the convenience of wife is to be seen ahead of the convenience of husband. The applicant being a lady will definitely face difficulty in attending the dates at Aurangabad in absence of any elderly person with her. On the contrary, the respondent husband, who is taking education, can adjust the dates on which he will have to appear before the concerned Court at Shrigonda, if the matter is transferred. Considering this aspect and convenience of applicant wife following order is passed.

ORDER

- (i) The application is hereby allowed.
- (ii) Petition A.No.154/2022 pending in the Family court, Aurangabad is transferred to the Court of Civil Judge (Senior Division), Shrigonda, Dist Ahmednagar for disposal according to law. The learned CJSD, Shrigonda is directed to dispose of the matter as early as possible.

- (iii) The respondent is directed to appear before Civil Judge (Senior Division), Shrigonda on or before 02.05.2023 and he will be at liberty to seek convenient dates for the proceeding. The respondent is also at liberty to appear through his advocate except on the dates where his physical presence is necessary. He may use the facility of Video Conferencing wherever possible.
- (iv) The application is disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)