

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

1042 MISC.CIVIL APPLICATION NO. 167 OF 2023

ANKITA W/O AKSHAY GANGARDE
(ANKITA D/O ANNASAHEB GANGARDE)

VERSUS

AKSHAY S/O ATMARAM GANGARDE

Advocate for Applicant : Mr. L.H. Kawale h/f. Mr. Narwade Narayan B.
Advocate for Respondents : Mr. Jeevan R. Patil h/f. Mr. Rajale Gulab B.

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, Kalyan, District Thane, to Family Court at Ahmednagar.
3. The learned counsel for the applicant submits that it is not possible for the applicant to attend the proceedings by travelling from Ahmednagar to Kalyan.
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 Kalyan. 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 Kalyan.
- 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 Kalyan to Ahmednagar.
- v. The applicant has initiated proceedings at Ahmednagar against the respondent.

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 Hindu Marriage Petition No. 764 of 2023 pending before the Civil Judge Senior Division, Kalyan, District Thane, shall stand transferred to Family Court at Ahmednagar.
- 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 Ahmednagar 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.]