

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

1039 MISC.CIVIL APPLICATION NO.147 OF 2018

JYOTI HARISH SHARMA ALIAS
JYOTI EKBAHADUR KHADKA
VERSUS
HARISH RAMPRASAD SHARMA

...
Advocate for Applicant : Mr. P.N. Kalani
h/f. Mr. Shinde Dhananjay M.
...

CORAM : SHAILESH P. BRAHME, J.

DATE : 01st DECEMBER, 2023

PER COURT :

1. Heard the learned counsel for applicant.
2. By way of this application, the applicant is seeking transfer of the proceedings of dissolution of marriage filed before the Family Court at Nashik, to the Family Court at Nanded.
3. The learned counsel for the applicant submits that it is not possible for the applicant to attend the proceedings by travelling from Nanded to Nashik.
4. I have considered rival submissions. I record following findings :
 - i. It is inconvenient for the applicant to travel and attend the proceedings at Nashik.
 - ii. She has one child out of wedlock, who is with her.

- 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 Nanded to Nashik.
- v. The applicant has initiated proceedings at Nanded against the respondent.

7. 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.**

8. For the reasons stated above, I pass following order :

ORDER

- i. The Miscellaneous Civil Application is allowed.
- ii. The HMP viz Civil Dispute No. A 136 of 2018 pending before the Family Court at Nashik, shall stand transferred to Family Court at Nanded.
- 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 Nanded on 20th December, 2023.
- vi. All the proceedings pending at a place where the applicant is residing be preferably posted on same date.

[SHAILESH P. BRAHME, J.]