



Corrected Order

**Corrections have been carried out in view of speaking to minutes
order dated 08.12.2023**

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

MISCELLANEOUS CIVIL APPLICATION NO. 154 OF 2019

Vaishali W/o Ravindra Dongre,
Age : 31 years, Occu. : Housewife,
R/o Dewalai Chowk, Manjit Pride
Glory, A-2, Plot No. - 2 Aurangabad,
Tal and District – Aurangabad. .. Petitioner

Versus

Ravindra s/o Pralhadrao Dongre,
Age : 39 years, Occu. : Service
as Civil Engineer in MSEB,
R/o Tapowan, Flat No. 01,
Arush Enclave Building,
First Floor, Panchsheel Chowk,
Amravati, Tal and District Amravati. .. Respondent

Shri Bipinchandra K. Patil, Advocate for the Applicant.
Shri Quadri Syed, Raheel, Advocate h/f Shri S. S. Kazi, Advocate
for the Respondent.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 05TH DECEMBER, 2023.**

FINAL ORDER :

. Heard the learned counsel for both the sides finally.

2. By way of this application, the applicant is seeking transfer
of proceedings of dissolution of marriage U/Sec. 13(1)(i-a)(i-b) of

the Hindu Marriage Act filed before the Family Court at Amravati to the 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 Aurangabad to Amravati. The applicant is residing with her parent. She is having minor daughter. The applicant is not having any source of income.

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 Amravati. 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 Amravati.

(ii) She has no source of income and she is staying with her parent.

(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 Amravati to Aurangabad.

(v) The applicant has initiated proceedings at Aurangabad 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 Vs. Kumar Sanjay reported in (2001) 10 SCC 41.
- B. Soma Choudhury Vs. Gourab Choudhary reported in (2004) 13 SCC 462.
- C. Vaishali Shridhar Jagtap Vs. Shridhar Vishwanath Jagtap reported in (2016) 14 SCC 356.
- D. Sangamitra Ramakant Royalwar Vs. Ramakant Gangaram Royalwar reported in 2009 (1) Mh.L.J. 303.
- E. Anita Balkrishna Barge Vs. Balkrishna Sopan Barge reported in 2011 (1) Mh.L.J. 518.
- F. Mahadevi Gopal Mehetre Vs. Gopal Prabhakar Mehetre reported in 2016(4) All M.R. 599.
- G. Judgment and order dated January 11, 2019 in Misc. Civil Application No. 171 of 2018 in the matter of Pooja Rohan Jadhav Vs. Rohan Ramesh Jadhav.
- H. Judgment and order dated 01 July 2022 in Misc. Civil Application No. 46 of 2020 in the matter of Ashwini Kailas Patil Vs. Shivajirao Anandrao Gaekwar.

7. For the reasons stated above, I pass following order.

O R D E R

- a. The Misc. Civil Application is allowed.
- b. The H.M.P. A No. 80 of 2019 pending before the Family Court at Amravati shall stand transferred to the Family Court at Aurangabad.
- c. An endeavour be made to decide the proceedings finally as expeditiously as possible.
- d. The concern court shall transmit the papers immediately.
- e. The parties to appear before the Family Court at Aurangabad on 06.01.2024.
- f. All the proceedings pending at a place where the applicant is residing be preferably posted on same date.

[SHAILESH P. BRAHME, J.]

bsb/Dec. 23