

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.169 OF 2023

Priti Sagar Aute @ Priti Bharatrao Solanke Applicant

Versus

Sagar Madhukar Aute Respondent

Mr. A.M. Reddy, Advocate for the applicant.

Ms. Vidya Urgunde, Advocate for the respondent.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 31st AUGUST, 2023

ORDER :

1. This application is filed by the applicant/wife seeking transfer of proceeding i.e. Hindu Marriage Petition-A No. 90/2023, pending before the Family Court, Aurangabad to Family Court at Latur.

2. Heard the learned advocate for the applicant and learned advocate for the respondent. Perused the memo of application, annexures thereto and citations relied upon by the respondent.

3. It is the contention of the wife that she is residing at taluka place in the Latur district and distance between Latur to Aurangabad is about 250 km and it is very difficult for her to

travel such a long distance to attend the proceeding at Aurangabad. She has no source of income and it is difficult for her to bear the traveling expenses.

4. Learned advocate for the husband vehemently opposed the prayer of the wife. She submits that it will cause serious hardships to the husband if the proceeding is transferred from Family Court Aurangabad to Family Court, Latur.

5. It is well settled principal of law that ordinarily convenience of the wife needs to be considered while deciding application for transfer of proceeding.

6. In N.C.V. Aishwarya Vs. A.S. Saravana Karthik Sha, 2022 SCC OnLine SC 1199, it is held;

"9. The cardinal principal for exercise of power under Section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Court are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing sociology-economic paradigm in the Indian

society, generally, it is the wife's convenience which must be looked at while considering transfer."

7. In the light of aforesaid ratio and considering the fact that it would cause inconvenience and hardship to the applicant if she asked to travel such a long distance to attend the proceeding at Family Court, Aurangabad, the application deserves to be allowed. In the result, following order:

ORDER

1. Civil Miscellaneous Application is allowed.
2. Hindu Marriage Petition-A No. 90/2023 pending before Family Court, Aurangabad, is hereby transferred to the Family Court at Latur.

[NITIN B. SURYAWANSHI, J.]