

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

975 MISC.CIVIL APPLICATION NO.226 OF 2022

CHANDRAKALA ALIAS VARSHA SANTOSH SHIRSATH
VERSUS
SANTOSH RAMBHAU SHIRSATH

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Advocate for Applicants : Mr. Hange Rajendra G. & Hange Anirudh R.
Advocate for Respondent : Ms. Pournima A. Salve h/for Mr. S. J. Salunke

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 13th JANUARY, 2023

ORDER:

1. Heard rival submissions.
2. The applicant is seeking transfer of divorce petition bearing Petition No.A-292/2020 filed by the respondent husband from family Court Bandra, Mumbai to the Court of learned CJSD, Majalgaon Dist. Beed.
3. The learned counsel for the applicant pointed out that the applicant has filed two proceedings against the respondent at Majalgaon, one is PWDVA No.43/2019 and another one is Criminal Revision against dismissal of her complaint against the respondent under section 498-A of the Indian Penal Code. According to him, the respondent has already appeared in these proceedings.
4. On the contrary, the learned counsel for the respondent strongly opposed the application by relying on his reply. She submits that the respondent is driver of BEST and therefore it is highly difficult for him to attend the dates at Majalgaon if his petition is transferred. She also relied

on the judgment of Hon'ble Apex Court in the case of **Preeti Sharma Vs. Manjit sharma reported in (2005) 11 Supreme Court Cases 353**, wherein it has been observed that if the husband is ready to bear the expenses for his wife, then there is no need to transfer the petition as claimed by the wife. However, the recent view of the Hon'ble Apex Court is otherwise, wherein it is observed that convenience of the wife is to be seen ahead of the convenience of the husband. Further it is also observed in the recent judgment that merely because husband is ready to bear the expenses, the petition for transfer cannot be disallowed.

5. In the instant case, the respondent is already appearing the proceedings at Majalgaon and therefore, considering the convenience of applicant wife, following order is passed:

O R D E R

- (i) Application is hereby allowed.
- (ii) The Petition No.A-292/2020 filed by the respondent husband at Family Court Bandra, Mumbai is hereby transferred to the Court of learned Civil Judge, Senior Division, Majalgaon, District Beed for disposal according to law.
- (iii) The respondent is directed to appear before the Court of learned CJSD, Majalgaon on or before 15th February, 2023.

(SANDIPKUMAR C. MORE, J.)