

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

**957 MISC.CIVIL APPLICATION NO.212 OF 2022**

SAU. GODAWARI @ ASHA W/O SUDAM WALALE (GODAWARI  
@ ASHA D/O BHAGWAN KURWADE) (MAIDEN NAME)  
VERSUS  
SUDAM S/O MAHADA WALALE

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Mr. D.M. Shinde, Advocate for the applicant.  
Mr. Suresh Dhole, Advocate for the respondent.

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**CORAM : SANDIPKUMAR C. MORE, J.**

**DATED : 17<sup>th</sup> March 2023.**

**ORDER:-**

1. Heard rival submissions. The applicant – wife is seeking transfer of HMP No. A/853/2022 filed by the respondent- husband for getting divorce, from the Family Court, Pune to the Court of Civil Judge (Senior Division), Hingoli.

2. According to the applicant-wife, she is physically disabled and unable to walk. Moreover, she is not having any independent source of income. The distance between Pune and Hingoli is about 450 kms and it is highly impossible for her to travel from Hingoli to Pune.

3. The learned counsel for the respondent- husband strongly opposed the application by filing affidavit in reply on

the ground that the respondent is also 100 % disabled in relation to his vision and therefore, he also cannot travel to Hingoli if his proceedings are transferred.

4. It is significant to note that the disability certificate filed by the applicant wife on record indicates that she is 66% disabled in respect of her both legs. As such, it is quite evident that she is unable to walk without support of other person. On the other hand, the respondent is also equally placed since he has lost his entire vision. The only difference which can be seen at this stage that the respondent himself in his affidavit mentioned his occupation as service. The learned Counsel for the respondent also fairly submitted that the respondent is in private service. Under such circumstances and in view of the current view of the Hon'ble Apex Court, convenience of the wife needs to be seen ahead of convenience of the husband. In view of the same, following order is passed.

#### **ORDER**

- (i) The application is hereby allowed.
- (ii) HMP No.A/853/2022 pending in the Family Court Pune is transferred to the Court of Civil Judge (S.D.), Hingoli, for its disposal according to law.

- (iii) The respondent is directed to appear before the learned Civil Judge (Senior Division), Hingoli on or before 15<sup>th</sup> April 2023. The respondent is at liberty to appear before Civil Judge (Senior Division), Hingoli through his Advocate except on the dates where his physical presence is required. He may avail the facility of Video Conferencing, wherever possible.
- (iv) The application is disposed of accordingly.

**(SANDIPKUMAR C. MORE, J.)**