

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.177 OF 2023

Snehal Akash Navale

Applicant
[Orig. Defendant]

Versus

Akash Aasrab Navle

Respondent
[Ori. Applicant]

Mr. C.V. Dharurkar, Advocate for the applicant.

Ms. Madhu R. More, Advocate for the respondent.

[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 No. 125/2023, pending before learned Civil Judge, Senior Division, Barshi to the appropriate court at Ambejogai, Taluka- Ambejogai, Beed.

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

3. It is the contention of the wife that she is residing at Ambejogai with her parents. The distance between Amebejogai to Barshi is about 107 km. She has 10 months old baby and it is

very difficult for her to travel such a long distance to attend the proceeding at Barshi.

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 Barshi to Ambejogai.

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 Barshi, the application deserves to be allowed. In the result, following order:

ORDER

1. Civil Miscellaneous Application is allowed.
2. Hindu Marriage Petition No. 125/2023 pending before learned Civil Judge, Senior Division, Barshi, is hereby transferred to the appropriate court at Ambejogai.

8. Fees of learned advocate Ms. Madhu R. More, appointed to represent the respondent is quantified at Rs. 2500/-, to be paid by High Court Legal Services Authority, Sub Committee, Aurangabad.

[NITIN B. SURYAWANSHI, J.]