



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

MISCELLANEOUS CIVIL APPLICATION NO. 171 OF 2019

Chaitali Nayan More @
Chaitali Annasaheb Jagtap .. Applicant

Versus

Nayan Govindrao More .. Respondent

Shri Suhas B. Ghute, Advocate for the applicant.
Ms. Harsha Lomate, Advocate h/f Shri V. D. Salunke, 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 the proceedings of dissolution of marriage filed before the Family Court at Pune to the Court of Civil Judge Senior Division, Ambajogai, Dist. Beed.

3. The learned counsel for the applicant submits that the relatives of the respondent have extended threats to the applicant. The atmosphere at Pune is not conducive for the applicant to attend the proceedings. The respondent and his relatives are influential. It is desirable to transfer the proceedings to Ambajogai for fair trial.

4. The learned counsel respondent submits that the respondent has filed affidavit in reply and contested the application. He submits that the respondent is serving at Bengaluru (Karnataka). It is extremely inconvenient for him to attend the proceedings at Ambajogai by traveling from Bengaluru. His parents who are ailing and aged are residing with him. It is further submitted that the relatives of the applicant are influential and already there are instances of assault. He apprehends danger to his life if he is required to attend the proceedings at Ambajogai.

5. The learned counsel further submits that the applicant is able bodied person and acquainted with Pune city. She had been there for her education. She is having relatives at Pune. Therefore, the grounds for transfer are after thought and misconceived.

6. I have considered rival submissions. I record following findings.

(i) It is inconvenient for the applicant to travel and attend the proceedings at Pune.

(ii) She has no source of income and she is staying with her parent. Her sufferings and hardship are apparent.

(iii) There is nothing on record to show that the respondent is

unable to attend the proceedings by travelling from Bengaluru to Ambajogai.

(iv) The applicant has initiated proceedings at Ambajogai against the respondent.

7. 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.

8. Both the parties have expressed apprehension of untoward incident. For the protection of life of an individual there is remedy of protection from police. Considering the competitive claims of the parties, I find hardship and suffering of the are more probable to the applicant.

9. 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. 454 of 2019 pending before the Family Court at Pune shall stand transferred to the Court of Civil Judge Senior Division, Ambajogai, Dist. Beed.
- 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 Court of Civil Judge Senior Division, Ambajogai on 04.01.2024.
- f. All the proceedings pending at a place where the applicant is residing be preferably posted on same date.

[SHAILESH P. BRAHME, J.]