

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

57 MISC.CIVIL APPLICATION NO.195 OF 2023

**PRIYANKA KIRANKUMAR LONDHE
VERSUS
KIRANKUMAR KANTILAL LONDHE**

Ms.Sunita G. Sonawane, Advocate for the applicant.

Mr.Shubham Jayabhar h/f. Mr. D.R. Jayabhar, Advocate for the respondent.

**CORAM : KISHORE C. SANT, J.
DATED : 19.10.2023**

PC :-

01. Heard learned Advocates for the parties for some time. This application is filed by wife seeking transfer of proceeding of HMP No.A-56 of 2021 pending before the learned Civil Judge, Senior Division, Shrigonda, Dist. Ahmednagar to Family Court, Bandra, Mumbai, as the applicant is residing at Kandivali, Mumbai.

02. The learned Advocate for the applicant submits that the applicant - wife is staying with her daughter aged five years. The child is suffering from heart problem since birth as she has hole in her heart. For the said purpose, the child requires continuous treatment and follow up at Mumbai. She further submits that the wife has also filed proceedings under the Protection of Women from Domestic Violence Act and same is pending at Kandivali. In support of the submissions, medical papers are submitted at Exh. "C". From the certificate it does appear that the daughter of the couple requires continuous treatment at Mumbai. The distance between two places reported

to be around 300 kms. and thus the wife finds it difficult to travel such a distance. On these grounds, the applicant has sought transfer of the proceedings.

03. The learned Advocate appearing for the respondent/husband submits that the wife has already appeared in the proceedings though initially she avoided to appear before the Court. It is only after the order to proceed ex-parte came to be passed, she has appeared and got the said order set aside. The proceeding filed at Kandivali is later in point of time and only to harass the respondent. He further prays for rejection of the application.

04. Considering the fact that the applicant wife has to travel with five years daughter having heart ailment, which is certainly difficult and since already one more proceeding is pending, it would be in the interest of justice to direct the transfer of proceeding from Shrigonda to Family Court, Bandra, Mumbai. In view of the same, following order :-

ORDER

- (i) The Misc. Civil Application is allowed.
- (ii) The proceeding bearing HMP No.A-56/2021 pending before learned Civil Judge, Senior Division, Shrigonda, Dist. Ahmednagar stands transferred to the Family Court, Bandra, Mumbai.

[KISHORE C. SANT, J.]