



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

1044 MISC.CIVIL APPLICATION NO. 197 OF 2023

**YASHODA BHASKAR IGAVE
VERSUS
BHASKAR VISHNU IGAVE**

...
Advocate for Applicant : Mr. Kasar Rajendra Sudam
Advocate for Respondent : Mr. S.N. Boiwar
...

CORAM : SHAILESH P. BRAHME, J.

DATE : 19th DECEMBER, 2023

PER COURT :

1. 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 Family Court at Latur.
3. The learned counsel for the applicant submits that it is not possible for the applicant to attend the proceedings by travelling from Latur to Pune.
4. The learned counsel for the respondent submits that the application is frivolous. The applicant is able bodied person and is in a position to attend the proceedings at Pune. She has suppressed material facts. The conduct of the applicant was objectionable. No discretion can be exercised in her favour. The respondent has filed affidavit-in-reply to

oppose the application of the petitioner. It is contended that the respondent has liability of two daughters born out of his marriage and it is not possible to attend the proceeding from Pune to Latur. It is further contended that the applicant is affluent. Her father and brothers are having huge source of income. She is filed the present proceedings to harass the respondent. Her conduct does not warrant the exercise of discretion in our favour. She is a practicing lawyer and a smart lady who has independent source of income to the tune of Rs. 40,000/- per month. It is contended that the respondent is rendering services in a private institutions and would not get leave.

5. I have considered rival submissions. I have gone through the contents of the reply. The submissions of the learned counsel for the respondent and the submissions in the affidavit-in-reply cannot be accepted for want of material to substantiate them. The inconvenience and the hardship of a wife is different than her economic independence. Just because applicant is a practicing lawyer cannot be said to be a ground to non suit the application.

6. 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 Versus Kumar Sanjay*, **2002 AIR (SC) 396** ;
- b) *Soma Choudhury Versus Gourab Choudhary*, **(2004) 13 Supreme Court Cases 462** ;

- c) *Sangamitra Ramakant Royalwar Versus Ramakant Gangaram Royalwar*, **2009 (1) Mh.L.J. 303** ;
- d) *Anita Balkrishna Barge Versus Balkrishna Sopan Barge*, **2011 (1) Mh.L.J. 518** ;
- e) *Mahadevi Gopal Mehetre Versus Gopal Prabhakar Mehetre*, **2016 (4) All.M.R. 599** ;
- f) *Vaishali Shridhar Jagtap Versus Shridhar Vishwanath Jagtap*, **2016 AIR (SC) 3584** ;
- g) *Pooja Rohan Jadhav Versus Rohan Ramesh Jadhav*, **order passed by High Court, Bench at Aurangabad in MCA No. 171 of 2018** ;
- h) *Ashwini Kailas Patil Versus Shivajirao Anandrao Gaekwar*, **order passed by High Court, Bench at Aurangabad in MCA No. 46 of 2020**.

7. For the reasons stated above, I pass following order :

ORDER

- i. The Miscellaneous Civil Application is allowed.
- ii. The Petition A No. 2106 of 2022 pending before the Family Court at Pune shall stand transferred to the Family Court at Latur.
- iii. An endeavour be made to decide the proceedings finally as expeditiously as possible.
- iv. The concern Court shall transmit the papers immediately.

v. The parties to appear before the Court at Latur on 24th January, 2024.

vi. All the proceedings pending at a place where the applicant is residing be preferably posted on same date.

[SHAILESH P. BRAHME, J.]