

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

1001 MISC.CIVIL APPLICATION NO.244 OF 2022

**SHUSHILA ALIAS TRISHALA LALITKUMAR JONDHALE
VERSUS
LALITKUMAR MOTIRAM JONDHALE**

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Mr. G.G. Suryawanshi, Advocate for the applicant.
Mr Avinash Raut, Advocate for the respondent.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 20th January 2023.

ORDER:-

1. Heard rival submissions. The applicant-wife is seeking transfer of Petition No.A-399/2022 filed by respondent – husband for getting divorce, from the Family Court, Aurangabad to the Family Court, Nanded.

2 The learned Counsel for the respondent strongly opposed the application on the ground that the applicant is having so many severe diseases and therefore, he is not in condition to travel from Aurangabad to Nanded. Further, it is also submitted that the respondent is in service with Aurangabad Municipal Corporation in Primary Health Centre as a Chemist. He also pointed out that the respondent has not received any summons in respect of the proceedings filed by the applicant – wife at Nanded. According to him, the

respondent is ready to pay the expenses of traveling to the applicant if she has to attend the dates at Aurangabad.

3. On the contrary, learned Counsel for the applicant submits that the applicant has filed execution petition in respect of getting maintenance under Section 125 of Cr.P.C. in Family Court, Nanded. Moreover, she has also filed Cri.M.A. No. 08/2021 for enhancement of maintenance amount in the Family Court, Nanded only.

4. It appears that the applicant is not having any independent source of income and there are four children with whom the applicant is residing. According to the learned Counsel for the applicant, the respondent has not provided any monetary assistance either to applicant or her children. The learned Counsel for the respondent disputed the said position and submitted that only one child is residing with the applicant.

5. It is significant to note that as per the current view of the Hon'ble Apex Court, the convenience of wife is to be seen ahead of the convenience of husband. Even though the respondent husband is suffering from certain ailments, but it cannot be presumed that he is entirely bed-ridden and cannot move. He is in service with Aurangabad Municipal Corporation as a Chemist and having sufficient financial

means. Even otherwise also, he will have to attend the dates at Family Court, Nanded after service of summons / notice. Therefore, considering all these aspects, following order is passed.

ORDER

- (i) The application is allowed.
- (ii) Petition No. A-399/2020 is hereby transferred from the Family Court, Aurangabad to the Family Court Nanded for its disposal according to law.
- (iii) The respondent is directed to appear before Court of learned Family Court, Nanded on or before 15th February 2023. He will be at liberty to appear at Nanded Family Court through his lawyer except on the dates where his physical presence is required. He may avail the facility of Video Conferencing, if available.
- (iv) The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)