

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

MISC. CIVIL APPLICATION NO. 259 of 2022

Pallavi Aniket Lande,
age: 27 years, Occ: Household,
R/o C/o Sanjay Vyankatesh Kapse,
38, Mhada Colony, Korit Road,
Nandurbar, Tq. and District
Nandurbar.

Applicant

Versus

Aniket Mangesh Lande,
age: 32 years, Occ: Ticket Booking
Agent, R/o Vidyut Colony,
Keshav Nagar, Ring Road,
Akola, Tq. & District Akola.

Respondent

Mr. Pramod C. Mayure, advocate for the Applicant
Mr. Mukesh K. Goyanka, advocate for the Respondent.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 13th July, 2023.

PC :

1 Heard rival submissions.

2 The applicant-wife is seeking transfer of Marriage
Petition No.A-135 of 2022, filed by the respondent-husband
for getting divorce, from the Family Court, Akola to the Court

of Civil Judge, Senior Division, Nandurbar.

3 According to the applicant, she is not having any independent source of income. Moreover, her father, being the employee of Railway department, is residing near Nandurbar and the applicant is also residing there. Further, the distance between Akola and Nandurbar is 350 Kms and, therefore, she is unable to attend the dates at Akola.

4 On the contrary, the learned Counsel for the Respondent, relying upon the affidavit-in-reply of the respondent, strongly opposed the application on the ground that the applicant is having residence at Akola and her maternal uncle also resides there.

5 However, the applicant has produced on record the attendance register in respect of her father which indicates that he is performing his duties at Dhekwat, which is near to Nandurbar Railway Station. Moreover, it appears that the respondent, on his own, did not offer any maintenance to the applicant.

6 It is now well settled that the convenience of the applicant-wife needs to be seen ahead of the convenience of the husband. In the instant case, the applicant is not having any source of income and the distance between Nandurbar and Akola is around 350 Kms. Therefore, considering the convenience of the applicant-wife, following order is passed:

(i) The Application is hereby allowed.

(ii) The Petition No.A-135 of 2022 is hereby transferred to the Court of Civil Judge, Senior Division, Nandurbar, from the Family Court, Akola, for disposal according to law.

(iii) The learned Civil Judge, Senior Division, Nandurbar, is directed to dispose of the aforesaid Petition as early as possible and the applicant shall not seek unnecessary adjournments.

(iv) The Respondent is directed to appear before the

Court of Civil Judge, Senior Division, Nandurbar, on or before
1st August, 2023.

(v) Misc. Civil Application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb