

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

955 MISCELLANEOUS CIVIL APPLICATION NO. 274 OF 2022

SHRADDHA ANIL KHOKALE ALIAS SHRADDHA
HARISHCHANDRA GUTTE
VERSUS
ANIL SHIVAJI KHOKALE

...
Mr. P.P. Uttarwar – Advocate for Applicant
Mr. J.M. Murkute – Advocate for Respondent
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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 27th July, 2023

PER COURT :

1. Heard rival submissions.
2. The applicant – wife is seeking transfer of Marriage Petition No. 99 of 2022 pending in the Court C.J.S.D., Gangakhed, Parbhani filed by respondent – husband for getting divorce, to the Court of C.J.S.D., Washim.
3. According to the applicant – wife, though she is getting certain income but it cannot fulfilled her entire requirements. Moreover, she is residing with her old aged grandfather at Malegaon, which is situated nearby Washim. As such, it will

be difficult for her to attend the dates at Gangakhed, Dist. Parbhani.

4. On the other hand, learned Counsel for the respondent by relying upon the affidavit-in-reply of respondent submits that, the house of parents of the applicant is in fact situated at Parbhani and in the aforesaid petition for divorce the applicant was served on the said address at Parbhani. He further submits that, the applicant has shown her address at Malegaon only to harass the respondent. Further according to him, the respondent is also ready to bear the expenses of applicant in case she has to attend at Gangakhed, Parbhani.

5. It is significant to note that, no child has begotten out of this wedlock. Moreover, the applicant – wife has also not filed any proceeding at Malegaon or Washim against the respondent – husband. Further, it appears that her parents are also having house at Parbhani from which Gangakhed is only 25 Kilometers away. Further, the applicant is also doing certain job that means she is capable of travelling. The learned Counsel for the respondent relied upon the judgment of this

Court in the case of *Asha @ Deepa Ramchand Sharma Vs. Ramchandra Laxmandas Shrma* reported in 1996 SCC OnLine Bom 637 and submitted that, the convenience of wife cannot be seen every time merely because she is a lady. Moreover, in the aforesaid case, this Court has observed that, “the power of transfer under Section 24 should not be exercised as a matter of course and all facts and circumstances of the case, the conduct of the contesting party and the allegations against the husband have to be objectively assessed”. The facts of this case indicate that, the applicant can very well stay at the house of her parents at Parbhani and can conveniently attend the dates at Gangakhed.

6. Moreover, the respondent – husband is also ready to bear the conveyance charges of the applicant to attend the dates at Gangakhed, Parbhani. Considering all these aspects, I find that this is not a fit case for transfer. Hence, following order is passed :-

ORDER

- (i) The application is hereby rejected with direction to the respondent – husband to

pay amount of Rs.3,000/- (rupees three thousands only) to the applicant – wife for each date she attends in the aforesaid proceeding before the Court of Civil Judge Senior Division, Gangakhed, Parbhani.

- (ii) The application is disposed of accordingly.

[SANDIPKUMAR C. MORE]
JUDGE