

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

1053 MISC.CIVIL APPLICATION NO.219 OF 2019

JAYSHREE NITIN TAJANE
VERSUS
NITIN MANIKRAO TAJANE

...
Advocate for Applicant : Mr. N.T. Tribhuwan
h/f. Mr. Shinde Dhananjay M.
...

CORAM : SHAILESH P. BRAHME, J.

DATE : 06th DECEMBER, 2023

PER COURT :

1. Heard learned counsel for the applicant.
2. None for the respondent, though served.
3. By way of this application, the applicant is seeking transfer of the proceedings of dissolution of marriage filed before the Civil Judge, Senior Division, Akola, to Civil Judge, Senior Division, Hingoli.
4. The learned counsel for the applicant submits that it is not possible for the applicant to attend the proceedings by travelling from Hingoli to Akola.
5. I have considered submissions. I record following findings :
 - i. It is inconvenient for the applicant to travel and attend the proceedings at Akola.

- ii. She has no source of income and she is staying with her parents.
- iii. Her sufferings and hardship are apparent.
- iv. There is nothing on record to show that the respondent is unable to attend the proceedings by travelling from Akola to Hingoli.

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 HMP No. 44 of 2019 pending before the Civil Judge Senior Division, Akola, shall stand transferred to Civil Judge Senior Division, Hingoli.
- 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 Aurangabad on 05th 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.]