

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

990 MISC.CIVIL APPLICATION NO.311 OF 2022

**KOMAL KAKASAHEB ALIAS KAKASO THAVARE
VERSUS
KAKASAHEB ALIAS KAKASO NAVNATH THAVARE**

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Mr. Nikhl Tekale, Advocate for the applicant.
Mr. V.P. Narwade, Advocate for the respondent.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 02.02.2023.

ORDER:-

1. Heard rival submissions. The applicant – wife is seeking transfer of HMP No.191/2022 filed by respondent - husband for getting divorce, from the Court of Civil Judge (Senior Division), Malshiras, District Solapur to the Court of Civil Judge (Senior Division), Bhoom.

2. According to the applicant-wife, she is not having any independent source of income. Moreover she has also filed three proceedings against the respondent – husband at Bhoom including the proceeding for getting custody of the children before District Judge, Bhoom. The learned Counsel for the applicant submits that respondent husband has appeared in all these proceedings at Bhoom and therefore, considering the convenience of the wife, the only petition filed by the

respondent at Malshiras is required to be transferred to Bhoom only.

4. The learned Counsel for the respondent husband strongly opposed the application by relying on the affidavit in reply and submitted that the respondent is ready to pay the traveling charges to the applicant if she has to attend the dates at Malshiras. He further pointed out that the respondent was beaten by the relatives of applicant on 2-3 occasions and therefore, it would be dangerous for him to attend the dates at Bhoom. However, nothing is there on record to support the contention of respondent as regards the alleged assault. Moreover, it is evident that the respondent has also appeared in all the proceedings filed by the applicant at Bhoom. Therefore, in view of the latest view of Hon'ble Apex Court i.e. convenience of the wife is to be seen ahead of the convenience of husband in transfer cases, following order is passed.

ORDER

- (i) The application is hereby allowed.
- (ii) HMP No.191/2022 is hereby transferred from the Court of Civil Judge (Senior Division), Malshiras, District Solapur to the Court of Civil Judge (Senior Division), Bhoom, District Osmanabad for it's disposal according to law.

- (iii) The respondent is directed to appear before the learned Civil Judge (Senior Division), Bhoom on or before 1st March, 2023.
- (iv) The application is disposed of accordingly.

(SANDIPKUMAR C. MORE, J.)