



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

MISCELLANEOUS CIVIL APPLICATION NO. 304 OF 2021

Sow Sonali Ganesh Devre,
Age : 31 years, Occu. : Medical Practitioner,
R/o C/o Ganesh Bhikaji Padme,
Village Basamba,
Tq. & Dist. Hingoli. .. Applicant

Versus

Ganesh Shankar Devre,
Age : 35 years, Occu. : Medical Practitioner,
R/o 14th Number Kandali,
Tq. Junnar, Dist. Pune. .. Respondent

Shri Narayan N. Chavan, Advocate h/f Shri Dhananjay M.
Shinde, Advocate for the Applicant.
Shri Ganesh P. Darandale, Advocate for the Respondent.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 08TH DECEMBER, 2023.**

FINAL ORDER :

. Heard the learned counsel for both the parties finally at admission stage.

2. By way of this application, the applicant is seeking transfer of the proceedings of dissolution of marriage U/Sec. 13(1)(i-a) of the Hindu Marriage Act filed before the Court of Civil Judge Senior Division, Khed-Rajgurunagar to the Court of Civil Judge Senior Division, Hingoli.

3. The learned counsel for the applicant submits that it is not possible for the applicant to attend the proceedings by travelling from Hingoli to Khed-Rajgurunagar. The applicant is residing with her parents. The applicant is having minor daughter.

4. The learned counsel for the respondent submits that, the applicant is having source of income. One of the proceedings instituted on behalf of the applicant has been disposed of. There is no need to transfer the proceedings. The applicant is able bodied person.

5. I have considered the submissions. I record following findings.

(i) It is inconvenient for the applicant to travel and attend the proceedings at Khed-Rajgurunagar.

(ii) She is staying with her parent. She is having one minor daughter.

(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 Khed-Rajgurunagar to Hingoli.

(v) The applicant has initiated proceedings at Hingoli against the respondent.

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 Vs. Kumar Sanjay reported in (2001) 10 SCC 41.
- B. Soma Choudhury Vs. Gourab Choudhary reported in (2004) 13 SCC 462.
- C. Vaishali Shridhar Jagtap Vs. Shridhar Vishwanath Jagtap reported in (2016) 14 SCC 356.
- D. Sangamitra Ramakant Royalwar Vs. Ramakant Gangaram Royalwar reported in 2009 (1) Mh.L.J. 303.
- E. Anita Balkrishna Barge Vs. Balkrishna Sopan Barge reported in 2011 (1) Mh.L.J. 518.
- F. Mahadevi Gopal Mehetre Vs. Gopal Prabhakar Mehetre reported in 2016(4) All M.R. 599.
- G. Judgment and order dated January 11, 2019 in Misc. Civil Application No. 171 of 2018 in the matter of Pooja Rohan Jadhav Vs. Rohan Ramesh Jadhav.
- H. Judgment and order dated 01 July 2022 in Misc. Civil Application No. 46 of 2020 in the matter of Ashwini Kailas Patil Vs. Shivajirao Anandrao Gaekwar.

7. For the reasons stated above, I pass following order.

O R D E R

- a. The Misc. Civil Application is allowed.

- b. The H. M. P. No. 84 of 2021 pending before the Court of Civil Judge Senior Division, Khed-Rajgurunagar shall stand transferred to the Court of Civil Judge Senior Division, Hingoli.
- c. An endeavour be made to decide the proceedings finally as expeditiously as possible.
- d. The concern court shall transmit the papers immediately.
- e. The parties to appear before the Court of Civil Judge Senior Division, Hingoli on 10.01.2024.
- f. All the proceedings pending at a place where the applicant is residing be preferably posted on same date.

[SHAILESH P. BRAHME, J.]

bsb/Dec. 23