

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

MISC.CIVIL APPLICATION NO.303 OF 2022
PRATIKSHA AKSHAY KAPSE ALIAS PRATIKSHA ARJUN MULE
VERSUS
AKSHAY ASHOK KAPSE

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Advocate for Applicant : Mr. Deshmukh Ramraje A.

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CORAM : SHAILESH P BRAHME, J.

DATE : 4th DECEMBER 2023.

Per Court :

. Heard the learned Counsel for the applicant. None present for the respondent, though served.

2. By way of this application, the applicant is seeking only transfer of H.M.P No.1084/2021 from the learned Civil Judge, Senior Division, Belapur to the learned Civil Judge, Senior Division, Bhoom.

3. The learned Counsel for the applicant submits that it is not possible for the applicant to attend the proceedings by travelling from Bhoom to Belapur. She has ailing parent and she cannot travel alone.

4. I have considered rival submissions. I record following findings.

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

(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 Belapur to Bhoom.
- (v) The applicant has initiated proceedings at Bhoom against the respondent.

5. 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 Chaudhury 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.171/2018 in the matter of Pooja Rohan Jadhav Vs. Rohan Ramesh Jadhav.
- H. Judgment and order dated 01 July 2022 in Misc. Civil Application No.46/2020 in the matter of Ashwini Kailas Patil Vs. Shivajirao Anandrao Gaekwar.

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

ORDER

- a. The Miscellaneous Civil Application is allowed.
- b. The proceeding bearing H.M.P No.1084/2021 pending before the learned Civil Judge, Senior Division, Belapur shall stand transferred to the learned Civil Judge, Senior Division, Bhoom.
- 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 learned Civil Judge, Senior Division, Bhoom on 02.01.2024.
- f. All the proceedings pending at a place where the applicant is residing be preferably posted on same date.

[SHAILESH P BRAHME, J.]

Najeeb.