

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

971 MISC.CIVIL APPLICATION NO.297 OF 2021

**POOJA SANJAY SASANE
VERSUS
SANJAY VISHWANATH SASANE**

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Mr. R.N. Chavan, Advocate holding for Mr. Tathagat Kamble,
Advocate for the applicant.

Mr. Amol Gaikwad, Advocate for the respondent.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 12.01.2023.

ORDER:-

1. Heard rival submissions. The applicant-wife is seeking transfer of HMP No.97/2021 filed by respondent – husband for getting divorce, from the Court of learned Civil Judge (Senior Division), Beed to the learned Family Court At Bandra.

2. The learned Counsel for the applicant submits that the applicant is residing at Malad (East), Mumbai alongwith her parents and she is also having a son of tendered age to look after. The applicant is not having any source of income and considering the distance of 380 kms between Beed and Bandra, it is highly difficult for her to attend the dates at Beed.

3. On the contrary, the learned Counsel for the respondent strongly opposed the application on the ground

that the respondent though earlier resided at Badlapur, but during the Covid-19 period he lost his job and had to reside at Beed for cultivation of land allotted to her mother from the Government. Further, according to him, the respondent is ready to bear the expenses of the applicant in case she needs to attend the dates at Beed.

4. It has been settled that in transfer cases, the convenience of wife is to be considered ahead of the convenience of husband. In the instant matter, the applicant is not having any source of income and moreover the distance between Beed and Bandra is more than 350 kms. As such, it appears highly difficult for the applicant wife if she is asked to attend the dates at Beed, even accompanied by any male member. Under such circumstances, I am of the opinion that it would be more convenient to the applicant – wife if the proceedings from Beed are transferred to Bandra Family Court. In view of the same, following order is passed.

ORDER

- (i) The application is allowed.
- (ii) Marriage Petition No. 97/2021 is hereby transferred from the Civil Judge (Senior Division) Beed, to the Family Court, Bandra, Mumbai for its disposal according to law.

- (iii) The respondent is directed to appear before Family Court, Bandra on or before 1st February 2023.
- (iv) The respondent is granted liberty to appear before Family Court, Bandra through his Advocate whenever his physical presence is not required.
- (v) The respondent is also at liberty to use the facility of Video Conferencing where-ever possible.
- (vi) The learned Family Court, Bandra is directed to dispose of the matter as early as possible and the applicant is also directed not to seek unnecessary adjournments.
- (vii) The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)