

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

979 MISC.CIVIL APPLICATION NO.6 OF 2022

FARHANAZ VIQUAR AHMED KHAN
VERSUS
VIQUAR AHMED KHAN ZAHEER AHMED KHAN

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Advocate for Applicant : Mr. Parikshit S. Mantri h/for
Mr. Barde Parag Vijay
Advocate for Respondent : Mr.Saisagar A. Ambilwade

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 19th January, 2023

ORDER:

1. Heard rival submissions.
2. The applicant wife is seeking transfer of Regular Civil Suit No. 196 of 2021 filed by the respondent husband for getting divorce from the Court of learned CJSD, Ambajogai, Dist. Beed to the court of learned CJSD, Udgir, Dist. Latur.
3. According to the applicant wife, she is not having any independent source of income and also having one minor daughter to look-after. Though the distance between Ambajogai and Udgir is not much, but there is scarcity of proper conveyance between these places. Further, the

applicant has also filed PWDVA Case No. 67 of 2021 at Udgir, wherein, the respondent husband has already appeared.

4. On the contrary, the respondent husband has strongly opposed the application by filing reply. The learned counsel for the respondent relied on the judgment of this Court at Nagpur Bench in the case of **Supriya Vs. Kamlesh, reported in 2017 (5) Mh. L.J. 642** wherein inconvenience for a lady by three hours road journey has been refused.

5. However, as per the current observation of Hon'ble Apex Court in the recent case, **N.C.V.AISHWARYA VS. A.S.SARAVANA KARTIK SHA, 2022 LiveLaw(SC) 627**, the convenience of wife is to be seen ahead of the convenience of the husband in transfer cases. Further, it is also important to note that the respondent husband has already appeared in the PWDVA Case filed by the applicant at Udgir and he will have to attend the dates of that case in future also. In view of the same and in the light of latest observation of the Hon'ble Apex Court as mentioned herein above, following order is passed:

O R D E R

- i. The application is hereby allowed.

- ii. The Regular Civil Suit No. 196 of 2021 is hereby transferred to the Court of learned CJSD, Udgir from the Court of CJSD Ambajogai for disposal according to law.
 - iii. The respondent husband is directed to appear before the court of CJSD, Udgir on or before 1st March, 2023.
 - iv. The respondent is at liberty to seek convenient dates from the concerned court in respect of the aforesaid two proceedings.
 - v. The learned CJSD Udgir is directed to dispose of the aforesaid RCS No. 196 of 2021 as early as possible.
6. The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)

JPChavan