

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

1046 MISC.CIVIL APPLICATION NO.317 OF 2022

**RUPALI MAHESH RUDRAKSHA
VERSUS
MAHESH SURYAKANT RUDRAKSHA**

...
Advocate for Applicant : Mr. Shirsat Suhas R.
Advocate for Respondent : Mr. Swapnil B. Joshi and
Mr. Chetan B. Choudhari h/f. M/s. J. P. Legal Associates
...

CORAM : SHAILESH P. BRAHME, J.

DATE : 01st DECEMBER, 2023

PER COURT :

1. Heard the learned counsel for both the sides finally.
2. The applicant is seeking transfer of the proceedings of dissolution of marriage filed before the Family Court at Jalna to Family Court at Beed.
3. The learned counsel for the applicant submits that it is not possible for the applicant to attend the proceedings by travelling from Beed to Jalna.
4. The learned counsel for the respondent submits that the application is frivolous. The applicant is able bodied person and is in a position to attend the proceedings at Jalna. She has suppressed material facts. The conduct of the applicant was objectionable. No discretion can be exercised in her favour. He further submits that the proceedings for

dissolution of marriage which are pending in Family Court at Jalna are on the verge of completion.

5. The applicant is seeking transfer for her effective participation. In my considered view, the advance stage of proceedings cannot be a ground to non suit the applicant.

6. I have considered rival submissions. I record following findings :

i. It is inconvenient for the applicant to travel and attend the proceedings at Jalna.

ii. She has no source of income and she is staying with her parent.

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 Jalna to Beed.

v. The applicant has initiated proceedings at Beed against the respondent.

7. 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 Versus Kumar Sanjay*, **2002 AIR (SC) 396** ;

b) *Soma Choudhury Versus Gourab Choudhury*, **(2004) 13 Supreme Court Cases 462** ;

- c) *Sangamitra Ramakant Royalwar Versus Ramakant Gangaram Royalwar*, **2009 (1) Mh.L.J. 303 ;**
- d) *Anita Balkrishna Barge Versus Balkrishna Sopan Barge*, **2011 (1) Mh.L.J. 518 ;**
- e) *Mahadevi Gopal Mehetre Versus Gopal Prabhakar Mehetre*, **2016 (4) All.M.R. 599 ;**
- f) *Vaishali Shridhar Jagtap Versus Shridhar Vishwanath Jagtap*, **2016 AIR (SC) 3584 ;**
- g) *Pooja Rohan Jadhav Versus Rohan Ramesh Jadhav*, **order passed by High Court, Bench at Aurangabad in MCA No. 171 of 2018 ;**
- h) *Ashwini Kailas Patil Versus Shivajirao Anandrao Gaekwar*, **order passed by High Court, Bench at Aurangabad in MCA No. 46 of 2020.**

8. For the reasons stated above, I pass following order :

ORDER

- i. The Miscellaneous Civil Application is allowed.
- ii. The HMP No. A/66/2022 pending before the Family Court at Jalna shall stand transferred to the Family Court at Beed.
- iii. An endeavour be made to decide the proceedings finally as expeditiously as possible.
- iv. The concern Court shall transmit the papers immediately.

v. The parties to appear before the Family Court at Beed on 21st December, 2023.

vi. All the proceedings pending at a place where the applicant is residing be preferably posted on same date.

[SHAILESH P. BRAHME, J.]