



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

MISC. CIVIL APPLICATION NO. 287 OF 2023

Prajakta Prakash Kamble,
Age : 38 years, Occu. : Household,
R/o C/o Shri Bhimrao Awadhoot Mangale,
D. D. Nagar, Behind N.E.S. High School,
Parola, Tal. Parola, District Jalgaon. .. Applicant

Versus

Prakash kernath Kamble,
Age : 37 years, Occu. : Service,
R/o Plot No. 9, "Mai",
Tanishq Colony, Vishal Nagar,
Jagtap Dairy, Pimple Nilakh, Pune. .. Respondent

Shri Amit S. Savale, Advocate for the Applicant.
Shri Ram Dilip C., Advocate for the Respondent – absent.

CORAM : SHAILESH P. BRAHME, J.
DATE : 30TH NOVEMBER, 2023.

FINAL ORDER :

- . Heard the learned counsel for the applicant.
2. When the matter is called out for hearing, none appears for the respondent/husband.
3. By way of this application, the applicant is seeking transfer of the proceedings bearing H.M.P. No. A-1438 of 2022 filed before the Family Court at Pune to the Court of Civil Judge Senior Division, Amalner, Dist. Jalgaon.

4. The learned counsel for the applicant submits that it is not possible for the applicant to attend the proceedings by travelling from Amalner to Pune. The applicant has no source of income. She is residing with her parent. She cannot travel alone.

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

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

(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 Latur.

(v) The applicant has initiated proceedings at Latur 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 Choudhaury 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. In view of the above, I pass following order.

O R D E R

- a. The Misc. Civil Application is allowed.
- b. The H.M.P. (A) No. 1438 of 2022 pending before the Family Court at Pune shall stand transferred to the Court of Civil Judge Senior Division, Amalner, Dist. Jalgaon.
- 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, Amalner, Dist. Jalgaon on 19.12.2023. The learned counsel for the applicant or the applicant shall intimate the date of appearance to the respondent.

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

[SHAILESH P. BRAHME, J.]

bsb/Nov. 23