



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

MISC. CIVIL APPLICATION NO. 291 OF 2023

Shital W/o Dattatry Mantalwad
(Shital D/o Maroti Ballewar)
Age : 21 years, Occu. : Household,
R/o C/o Maroti Ballewar,
Near Mukbadir School, Vankakatesh
Nagar, Tq. Umari & Dist. Nanded. .. Applicant

Versus

Dattatry S/o Sudhakar Mantalwad,
Age : 25 years, Occu. : Service,
R/o In front of Maroti Temple,
Latur – Nanded Road,
Shirur Tajband,
Tq. Ahmedpur, Dist. Latur. .. Respondent

Shri Gajan S. Shembole, Advocate for the Applicant.
Shri Dattatry S/o Sudhakar Mantalwad, Party in person.

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

FINAL ORDER :

. Heard the learned counsel for the applicant and the respondent in person.

2. By way of this application, the applicant is seeking transfer of the proceedings under the Hindu Marriage Act filed before the Court of Civil Judge Senior Division, Ahmedpur, Dist. Latur to the Court of Civil Judge Senior Division, Bhokar, Dist. Nanded.

3. The learned counsel for the applicant submits that it is not possible for the applicant to attend the proceedings by travelling from Umari to Ahmedpur. She has no source of income. She has ailing parent and she cannot travel alone.

4. The respondent/party in person submits that the application is frivolous. The applicant is an able-bodied person and is in a position to attend the proceedings at Ahmedpur. She has suppressed material facts. The conduct of the applicant was objectionable. He is a poor person and doing labour work. No discretion can be exercised in her favour.

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

(i) It is inconvenient for the applicant to travel and attend the proceedings at Ahmedpur, Dist. Latur.

(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 Ahmedpur to Biloli.

(v) The applicant has initiated proceedings at Biloli 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. For the reasons stated above, I pass following order.

ORDER

- a. The Misc. Civil Application is allowed.
- b. The H.M.P. No. 41 of 2023 pending before the Court of Civil Judge Senior Division, Ahmedpur, Dist. Latur shall stand transferred to the Court of Civil Judge Senior Division, Bhokar, Dist. Nanded.
- 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, Bhokar, Dist. Nanded on 19.12.2023.
- 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