



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

MISC. CIVIL APPLICATION NO. 307 OF 2023

Smt. Dhanashri W/o Aniket Thakare,
Age : 25 years, Occu. : Nil,
R/o C/o Pravin Fakkad Kashid,
Infront of Municipal Council, Rahuri,
Tq. Rahuri, Dist. Ahmednagar. .. Applicant

Versus

Aniket S/o Ashok Thakare,
Age : 30 years, Occu. : Service & Business,
R/o Kothure, Tq. Niphad,
Dist. Nashik. .. Respondent

Shri Ketan Pote, Advocate h/f Shri Arvind G. Ambetkar,
Advocate for the Applicant.
Shri Mahesh Bhosale, Advocate for the Respondent.

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

FINAL ORDER :

. Heard the learned counsel for both the sides finally.

2. By way of this application, the applicant is seeking transfer of the proceedings of dissolution of marriage filed before the Court of Civil Judge Senior Division, Niphad, Dist. Nashik to the Court of Civil Judge Senior Division, Ahmednagar.

3. The learned counsel for the applicant submits that it is not possible for the applicant to attend the proceedings by travelling

from Ahmednagar to Niphad. She has ailing parent and she cannot travel alone.

4. The learned counsel for the respondent submits that the application is frivolous. The applicant is an able-bodied person and is in a position to attend the proceedings at Niphad. She has suppressed material facts. The conduct of the applicant was objectionable. 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 Niphad.

(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 Ahmednagar to Niphad.

(v) The applicant has initiated proceedings at Ahmednagar 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 Choudhary 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.

O R D E R

- a. The Misc. Civil Application is allowed.
- b. The H. M. P. No. 632 of 2022 pending before the Court of 02nd Joint Civil Judge Senior Division, Niphad, Dist. Nashik

shall stand transferred to the Court of Civil Judge Senior Division, Ahmednagar.

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, Ahmednagar on 20.12.2023.

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

g. The learned counsel Mr. Mahesh Bhosale is appointed through Legal Aid Sub Committee, High Court, Bench at Aurangabad to assist this Court. The Legal Aid Sub Committee is directed to quantify the remuneration of the learned counsel as permissible in law and same be disbursed to him.

[SHAILESH P. BRAHME, J.]

bsb/Nov. 23