



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

MISCELLANEOUS CIVIL APPLICATION NO. 320 OF 2023

Vidya Rahul Bansode .. Applicant

Versus

Rahul Mallikarjun Bansode .. Respondent

Shri Subhash N. Nade, Advocate for the Applicant.
Shri Naseem R. Shaikh, Advocate for the Respondent
(Appointed)

**CORAM : SHAILESH P. BRAHME, J.
DATE : 14TH DECEMBER, 2023.**

FINAL ORDER :

- . Heard the learned counsel for the both sides finally.
2. By way of this application, the applicant is seeking transfer of the proceedings for dissolution of marriage filed before the Family Court at Solapur to the Family Court Parbhani.
3. The learned counsel for the applicant submits that the applicant is serving at Mumbai and the respondent has initiated proceedings at Solapur. As she is in Government service to attend the matter from Mumbai to Solapur causes hardship. The applicant has to depend upon her father. Considering the inconvenience, it is prayed that the proceedings be transferred to Parbhani.

4. The learned counsel for the respondent opposes the submissions of the learned counsel for the applicant mainly on the ground that wife is in gainful employment that too in Government service. She is educated, able bodied person and easily undertake the travelling. No inconvenience can be said to be caused to the applicant. The reasons cited for transfer are frivolous.

5. The learned counsel has relied upon the judgment rendered by this Court in the matter of **Yasmeen Anjum Vs. Rashik Khan** reported in **2023(1) Mh. L. J. 550**, especially paragraph No. 18 to buttress the submission that the applicant-wife can avail the facility of video conferencing and need not remain present physically.

6. I have considered the submissions of both the parties. Just because wife is rendering government service in Mumbai cannot be a reason to reject her application for transfer. Hardship and inconvenience are different things than economical independence of the applicant. If the video conferencing facility is available to the applicant, then same can be said to be available for the respondent also. The suffering and hardship are apparent to the wife/applicant.

7. I propose to rely upon the following judgments :

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

O R D E R

- a. The Misc. Civil Application is allowed.
- b. The Petition No. A-241 of 2023 pending before the Family Court at Solapur shall stand transferred to the Family Court Parbhani.
- 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 Family Court at Parbhani on 17.01.2024.
- f. All the proceedings pending at a place where the applicant is residing be preferably posted on same date.
- g. The parties are at liberty to request the Presiding Officer for providing video conferencing facility.
- h. As the learned counsel for the respondent is appointed through Legal Aid Sub Committee, High Court Bench at Aurangabad, his remuneration be quantified as permission in law.

[SHAILESH P. BRAHME, J.]

bsb/Dec. 23