

CORRECTED COPY

This order is corrected as per Court's order dated 18.12.2023

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

193 MISC.CIVIL APPLICATION NO. 22 OF 2020

KAJAL NITIN KALE
VERSUS
NITIN AMBADAS KALE

...
Advocate for Applicant : Mr. Majit S. Shaikh
...

CORAM : SHAILESH P. BRAHME, J.

DATE : 11th DECEMBER, 2023

PER COURT :

1. Heard the learned counsel for for both the sides finally.
2. None appears for the respondent, though served.
3. By way of this application, the applicant is seeking transfer of the proceedings of dissolution of marriage filed before District and Sessions Court, Nashik to competent Court at Kopargaon, District Ahmednagar.
4. The learned counsel for the applicant submits that it is not possible for the applicant to attend the proceedings by travelling from Kopargaon to Nashik.
5. I have considered rival submissions. I record following findings :

- i. It is inconvenient for the applicant to travel and attend the proceedings at Nashik.
- ii. She has one child out of wedlock.
- iii. She has no source of income and she is staying with her parents.
- iv. Her sufferings and hardship are apparent.
- v. There is nothing on record to show that the respondent is unable to attend the proceedings by travelling from Nashik to Kopargaon.

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 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.**

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

ORDER

- i. The Miscellaneous Civil Application is allowed.
- ii. The Guardian Wards Case No. 17 of 2018 pending before the District and Sessions Court, Nashik, shall stand transferred to competent Court at Kopergaon, District Ahmednagar.
- 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 Court at Kopergaon, District Ahmednagar on 11th January, 2024.
- vi. All the proceedings pending at a place where the applicant is residing be preferably posted on same date.

[SHAILESH P. BRAHME, J.]