



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

MISC.CIVIL APPLICATION NO. 334 OF 2023

**NEHA MARUTI GHUNE
VERSUS
MARUTI BALU GHUNE**

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Advocate for Applicant : Mr. Amit Tandulkar h/f Mr. Kadam Gajanan G.

Advocate for Respondent : Mr. Abhay G. Deshmukh

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CORAM : SHAILESH P. BRAHME, J.

DATE : 18th DECEMBER 2023.

Per Court :

1. Heard the learned Counsel for the applicant and for the respondent.
2. By way of this application, the applicant is seeking transfer of the proceedings bearing HMP No. 79/2023 filed before the learned Civil Judge, Senior Division, Pandharpur, Dist. Solapur to the Family Court at Nanded.
3. The learned Counsel for the applicant submits that it is not possible for the applicant to attend the proceedings by travelling from Nanded to Pandharpur, Dist. Solapur. He further submits that the applicant is having custody of minor daughter.
4. The learned Counsel for the respondent vehemently opposed the

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application. He submits that the application is frivolous. The applicant is able bodied person and is in a position to attend the proceedings at Pandharpur, Dist. Solapur. The respondent's father is a retired police personnel and she has taken discharge of this fact in lodging false complaint. As the respondent is having custody of minor son who is taking education, it would be inconvenient for him to attend proceeding. The respondent's father is also patient of heart disease. He is having responsibility of the son and the father. Hence the application is liable to be rejected.

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

- (i) It is inconvenient for the applicant to travel and attend the proceedings at Pandharpur, Dist. Solapur.
- (ii) She has no source of income and she is staying with her parents.
- (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 Nanded to Pandharpur, Dist. Solapur.

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 Chaudhury 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.171/2018 in the matter of Pooja Rohan Jadhav Vs. Rohan Ramesh Jadhav.
- H. Judgment and order dated 01 July 2022 in Misc. Civil Application No.46/2020 in the matter of Ashwini Kailas Patil Vs. Shivajirao Anandrao Gaekwar.

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

ORDER

- a. The Miscellaneous Civil Application is allowed.
- b. The proceeding bearing HMP No. 79/2023 pending before the learned Civil Judge, Senior Division, Pandharpur, Dist. Solapur., shall stand transferred to the Family Court at 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 Family Court at Nanded on 23.01.2024.
- f. All the proceedings pending at a place where the applicant is residing be preferably posted on same date.

[SHAILESH P. BRAHME, J.]