



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

MISC. CIVIL APPLICATION NO. 62 OF 2024

Sneha w/o Chandragupta Bhalerao .. Applicant

versus

Chandragupta s/o Indrajeet Bhalerao .. Respondent

Mr. M. D. Shinde, Advocate for the Applicant.

Mr. S. S. Rathi, Advocate for the Respondent.

WITH

MISC. CIVIL APPLICATION NO. 7 OF 2024

Chandragupta s/o Indrajeet Bhalerao .. Applicant

versus

Sneha w/o Chandragupta Bhalerao .. Respondent

Mr. S. S Rathi, Advocate for the Applicant.

Mr. M. D. Shinde, Advocate for the Respondent.

CORAM : R. M. JOSHI, J.

DATE : 11th NOVEMBER, 2024.

ORDER :

1. Misc. Civil Application No. 62/2024 is filed by wife for seeking transfer of HMP No. A-97/2023 pending before Family Court, Parbhani to Family Court, Nanded. Whereas, Misc. Civil Application No. 7/2024 is filed by husband seeking transfer of HMP No.

A/257/2023 pending before Family Court, Nanded to Family Court, Parbhani.

2. Parties to these applications got married at Nanded on 26.05.2022 and they started cohabiting at Parbhani. Allegations are made by them against each other. Husband filed Petition bearing HMP No. A/123/2023 for seeking divorce in the Family Court, Parbhani. Whereas wife filed proceedings for restitution of conjugal rights bearing HMP No. A-97/2023 before Family Court, Nanded.

3. Learned counsel for wife submits that she is unemployed and without any support for attending the proceeding at Parbhani. It is contended that the position of law is fairly settled to state that convenience of the woman needs to be taken into consideration in case of transfer of proceeding connected with matrimonial issues.

4. Learned counsel for husband resisted the contentions of the wife and sought transfer of the proceeding filed by wife from Nanded to Parbhani. It is the contention of husband that the distance between Nanded and Parbhani is hardly 65 kms. and travel is convenient.

5. Here in this case, husband is employed whereas wife does not have any source of income for her survival. In such circumstances, infact husband ought to have shown magnanimity to concede to the request made by the wife for transfer of proceedings filed by him to Nanded. Instead he resisted the application filed by wife and insisted transfer of the proceedings filed by her from Nanded to Parbhani.

6. The law on the point is fairly settled to state that comparative convenience of wife needs to be taken into consideration by the Court while transferring matrimonial proceedings. As per the contention of husband himself, the distance between two places is 65 kms and he also claims that there is convenient transportation facility available. If it is so, there would not be any impediment for the husband to concede to the said request of transfer. Husband is employed and having source of income whereas wife is unemployed and as comparative hardship will cause to her if the proceedings filed by her at Nanded are transferred to Parbhani. This Court finds substance in the contention of learned counsel for the wife that the

husband has filed application for transfer of proceedings just harass the wife.

7. In view of above, application filed by wife deserves to be allowed and the same is accordingly allowed. Application filed by husband stands dismissed however, by imposing nominal costs of Rs.1,000/- payable to High Court Legal Services Sub-Committee at Aurangabad.

(R. M. JOSHI)
Judge

dyb