



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

974 MISC.CIVIL APPLICATION NO. 206 OF 2023

**MRS.PRIYANKA PRASAD TANAVADE
ALIAS PRIYANKA PANDURANG VEER**

VERSUS

PRASAD SURYAKANT TANAVADE

...

Advocate for Applicant : Adv.A.A.Khande

Advocate for Respondent : Adv.Suvidh S. Kulkarni

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CORAM : ARUN R. PEDNEKER, J.

DATE : 10.04.2024

P.C. :

1] By way of present application, the applicant seeks transfer of the Petition A-No.864/2023 from the Principal Judge, Family Court No.1, Pune to the Civil Judge Senior Division, Latur.

2] Heard the learned counsel for the parties.

3] It is the contention of the applicant that the marriage between the applicant and respondent was solemnized on 04.01.2023 and there are no issues from the said wedlock. The marriage between the applicant and respondent was a love marriage. On account of certain

dispute between the parties, the applicant is staying with her real maternal aunt. She submits that on account of her insistence that the parent of the applicant had agreed for the marriage of the applicant with the respondent and thus she is now not residing with her parents at Solapur but is residing at Murud with her Aunt. The applicant submits that the applicant has no source of income and the applicant is financially dependent upon her real maternal aunt, therefore, the applicant submits that it is difficult for her to attend the proceedings by traveling approximately 370 kms on every date of the proceedings at Pune.

4] *Per contra*, the learned counsel for the respondent submits that there are no proceedings filed by the respondent – wife at Latur. The learned counsel for the respondent submits that the actual resident of the applicant is at Solapur but at present she is residing with her real maternal aunt at Murud, Taluka and District Latur. The applicant has not mentioned as to how and why she is residing at her real matrimonial aunt at Murud. The learned

counsel for the respondent submits that if the application is filed for transfer the proceedings, the same at best could have been for transfer at Solapur, which is the actual resident of the applicant. The learned counsel for the respondent submits that the respondent can defend the proceedings at Pune as the applicant is a earning women. In addition the learned counsel for the respondent submits that Latur would not have jurisdiction more particularly for the reasons that the notice was issued to the applicant at Solapur address.

5] In response to the aforesaid submission, the learned counsel for the applicant submits that the notice is served upon the father of the applicant, who is residing at Solapur. The learned counsel for the applicant relies upon the judgment in the case of **Smt. Jeewanti Pandey Vs. Kishan Chandra Pandey** reported in **AIR 1982 SC 3** and submits that at para no.12 and 13, the Supreme Court has held that the proceedings can be transferred to the place where the person personally resides.

6] Considering the law laid down in the case of **Smt. Jeewanti Pandey** [supra] and the fact that presently the applicant is residing at Latur and she submits that she would be available at Latur till disposal of the proceedings at Latur, the Petition A-No.864/2023 is transferred from the Principal Judge, Family Court No.1, Pune to the Civil Judge Senior Division, Latur. The parties to appear before the Civil Judge Senior Division, Latur on 10.06.2024. The present application is disposed of accordingly.

[ARUN R. PEDNEKER]
JUDGE

DDC