



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

948 MISC. CIVIL APPLICATION NO. 223 OF 2023

**JAYMALA @ KIRAN YOGESH DESHMUKH @ KIRAN
BHAUSAHEB DESHMUKH**

VERSUS

YOGESH RAJENDRA DESHMUKH

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Advocate for Applicant : Mr.S.K.Chavan

Advocate for Respondent : Adv.V.R.Langhe h/f.

Adv.P.V.Langhe

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CORAM : ARUN R. PEDNEKER, J.

DATE : 28.02.2024

P.C. :

1] The present application is filed to transfer Hindu Marriage Petition No. B-1 of 2023 from the Family Court at Aurangabad to the Family Court at Parbhani or Civil Judge Senior Division, Parli Vaijnath.

2] It is the case of the applicant that the marriage between the applicant and respondent was solemnized on 18.06.2022. Due to matrimonial dispute, the applicant is now residing with her parent i.e. mother at Parli Vaijnath. The applicant submits that she is not employed and depends upon her mother and that the distance between Parli

Vaijinath to Aurangabad is about 218 KMs. The applicant submits that it is inconvenient for her to conduct the proceedings at Aurangabad whereas the respondent – husband is capable to conduct the proceedings at Parli Vaijinath. The wife has contended that father and brother of the applicant has expired and her married real sister is staying at Pune, as such, there is no one to accompany her to Aurangabad to defend the proceedings.

3] The respondent - husband submits that although the applicant is residing with the mother, the family of the applicant is a joint family at Parli Vaijinath and that the applicant can travel along with one family member from joint family. The applicant is competent to defend the proceedings at Aurangabad and that the applicant is employed and husband is not employed. The respondent has apprehension that the family of applicant may cause danger to his life. The learned counsel for the respondent relies upon the judgment in the case of **Mrs.Ketaki Prathamesh Salekar @ Mrs.Ketaki Ravindra Pawshe Vs.**

Prathamesh Ashok Salekar reported in 2021 [2] ALL MR 66 and submits that merely because there would be difficulty faced by the wife, it is not necessary to transfer the proceedings. Husband is also not employed and that it is also inconvenient for the husband to defend the proceedings at Parli Vaijinath. Convenience of both parties will have to be taken into consideration. The learned counsel for the respondent submits that the mother of the husband is bedridden and that it would not be convenient for him to travel to Parli Vaijinath or Parbhani and the mother of the husband requires continuous assistance from the respondent - husband.

4] Having considered the rival submissions. Primarily, the convenience of the wife has taken into consideration that she is not employed and she depends upon her mother. The proceedings are initiated by the respondent – husband at Aurangabad. It would not be convenient for the wife to defend the proceedings at Aurangabad and also there is no one to accompany her to

Aurangabad to defend the proceedings. The husband can conduct the proceedings at Parbhani. As such, the proceedings filed at Aurangabad is transferred to Family Court at Parbhani.

5] In view of the same, Misc. Civil Application is allowed. The Hindu Marriage Petition No. B-1 of 2023 stands transferred from the Family Court at Aurangabad to the Family Court at Parbhani. Application is disposed of accordingly.

6] However, it is directed that on transfer, the applicant – wife would not seek unnecessary adjournment in the matter so as to avoid inconvenience to the respondent – husband to travel at Parbhani. As far as possible, common dates be given in the proceedings to avoid inconvenience to the respondent-husband. The Court at Parbhani to permit the respondent – husband to appear through on V.C., if possible.

[ARUN R. PEDNEKER]
JUDGE