



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

921 MISC.CIVIL APPLICATION NO. 241 OF 2023

Sou Seema W/o Ashok Dive

....Applicant

VERSUS

Mr. Ashok Arun Dive

.....Respondent

.....

Advocate for Applicant : Mr. Kasar Rajendra Sudam

Advocate for Respondent : Mr. Ajinkya D. Murumkar

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CORAM : ARUN R. PEDNEKER, J.

Dated : January 05, 2024

PER COURT :-

1. Heard the learned counsel for the parties.
2. By way of present application, the applicant is seeking transfer of proceeding bearing HMP No. 53/2020 pending before the 3rd Jt. Civil Judge, Senior Division, Kalyan to the Family Court at Ahmednagar. The said proceedings is filed by the husband under section 13 (1)(ia) of the Hindu Marriage Act, 1955 for dissolution of marriage and for decree of divorce.
3. The learned counsel for the applicant/wife submits that on 8.11.2015 the marriage between the applicant and respondent was solemnized at Ahmednagar. The learned counsel submits that due to some dispute the applicant/wife is presently residing separately from respondent/husband with her parents at Ahmednagar and applicant is deserted by the respondent. The learned counsel submits that in Ahmednagar two proceedings were already pending between the parties, one is under the provisions of Protection of Women from Domestic Violence Act and another is criminal complaint lodged by the applicant against the respondent and his relatives under the provisions of Indian Pena Code. The learned counsel submits that respondent has deserted the applicant.

The applicant has no source of income. The distance between Kalyan and Ahmednagar is more than 250 k.m. and she has to take care of her two children. The learned counsel further submits that respondent is earning well and no hardship would be caused to the respondent if the proceedings filed by him would be transferred at Ahmednagar. The learned counsel, therefore, prays to transfer proceeding bearing HMP No. 53/2020 pending before the 3rd Jt. Civil Judge, Senior Division, Kalyan to the Family Court at Ahmednagar.

4. Per contra, the learned counsel for the respondent submits that the respondent will provide for transportation charges of the applicant from Ahmednagar to Kalyan and vice versa. He also submits that applicant/wife can join the court proceedings through video conference from Ahmednagar to Kalyan.

5. Taking into consideration the totality of the facts and circumstances of the case, I hold that it is inconvenient for the applicant/wife to travel and attend the proceedings filed by the husband at Kalyan as she has no source of income and she is staying with her parents along with two children and hardship would be caused to the wife. There is nothing on the record to show that the respondent is unable to attend the proceedings by travelling from Kalyan to Ahmednagar. In view of the above, I deem it appropriate to transfer the proceedings filed by husband at Kalyan to Ahmednagar. Hence, proceeding bearing HMP No. 53/2020 pending before the 3rd Jt. Civil Judge, Senior Division, Kalyan is transferred to the Family Court at Ahmednagar. The Misc. Civil Application is allowed in terms of prayer clause 'A' and disposed of accordingly.

[ARUN R. PEDNEKER J.]

ssc/