



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

932 MISC.CIVIL APPLICATION NO. 276 OF 2023

Swati Jagdish Mahajan

....Applicant

VERSUS

Jagdish Popat Mahajan

.....Respondent

.....

Mr. Mukul Deshmukh, Advocate holding for Mr. V. P. Patil, Advocate
for Applicant

Mr. R. R. Kazi, Advocate for Respondent.

CORAM : R. M. JOSHI, J.

DATE : 9th JULY, 2024.

PER COURT :

1. This application is filed by applicant seeking transfer of M.J. Petition No. 1199/2023 pending on the file of Civil Judge Senior Division, Kalyan, District Thane, to the Court of Civil Judge Senior Division, Amalner, District Jalgaon.

2. It is the contention of the applicant/wife that she is resident of Amalner, District Jalgaon. She further claims that she is unemployed and has responsibility of two children apart from responsibility of taking care of her parents. It is therefore not feasible

for her to attend the proceeding at Kalyan which is at a distance of about 400 kms from Amalner.

3. Learned counsel for Respondent has opposed the said submission by contending that Respondent is an Architect by profession and hence it may not be possible for him to devote time to travel all the time to Amalner to attend the proceeding. According to him, when the Respondent is ready to bear conveyance expenses of applicant as well as the person accompanying her, there is no reason to transfer the proceeding from the Court before whom it is pending.

4. At this stage, there is nothing on record to indicate that applicant is earning. She has two minor children to take care of. Distance between Amalner and Kalyan is about 400 kms. In such circumstances, calling upon her to attend said proceeding at Kalyan will cause prejudice to her and she will not be in a position to effectively defend herself in this proceeding. As against this, there is nothing on record to indicate that Respondent is not a bodily able person. Considering the nature of proceeding, he will not be required to attend each date of the proceeding. Hence, no prejudice will be caused to the Respondent/husband if the proceeding is transferred

to Amalner. Hence, application is allowed in terms of prayer clause 'B'. Parties are directed to appear before Civil Judge Senior Division, Amalner on 26.07.2024.

(R. M. JOSHI)
Judge

dyb