



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

909 MISC. CIVIL APPLICATION NO. 325 OF 2023

Priyanka Sachin PansareApplicant

VERSUS

Sachin Arun PansareRespondent

.....
Mr. V. P. Patil, Advocate for Applicant.

CORAM : R. M. JOSHI, J.

DATE :20th JULY, 2024.

PER COURT :

1. Since learned counsel for Respondent is not present, his affidavit is considered as his argument.

2. It is the case of the Applicant that she is residing at Jalgaon and has responsibility of a minor son and bed ridden father. It is her contention that she is not in a position to travel alone at a distance of about 300 km to Rahata for attending HMP No. 19/2023 filed by Respondent.

3. In reply, it is contended by Respondent that he is living in adverse condition and suffering from stomach disorder and that he is advised to undergo an operation and not to travel far. He also claims

that he has old mother who requires medical attendance. On this ground, he opposed the application.

4. There is no dispute about the fact that the Applicant has filed proceedings which are pending before the Court at Jalgaon, such as an application under Protection of Women from Domestic Violence Act being Application No. 115/2023 pending before Judicial Magistrate First Class, Jalgaon and criminal trial in respect of offence under Section 498A of Indian Penal Code initiated at her instance is also pending at Jalgaon. Thus, it is her contention that in any case Respondent is required to attend these proceedings at Jalgaon and hence no prejudice will be caused to him if order of transfer of HMP No. 19/2023 is passed.

5. Though Respondent has contended that he is suffering from stomach disorder and is advised to undergo surgery and further advised not to travel far, there is no material placed on record to support said submission. Considering the fact that Applicant is required to take responsibility of a minor son and bed ridden father, there is substance in her contention that she cannot travel 300 km to attending the proceeding at Rahata. No one seems to be there to

accompany her. Thus, there is likelihood of causing of injustice to her for being not able to defend herself effectively in the said proceeding. As against this, no prejudice will be caused to the Respondent if order of transfer is passed as he is required to attend three proceedings at Jalgaon.

6. In view of the above, Application is allowed in terms of prayer clause 'B'.

(R. M. JOSHI)
Judge

dyb