



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO. 382 OF 2023

Kavita And Priya W/o Dipak Shewale

VERSUS

Shri. Dipak S/o Kashinath Shewale

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Mr. G. R. Ingole, Advocate for Applicant

Mr. H. V. Tungar, Advocate for Respondents

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CORAM : R.M. JOSHI, J

DATE : AUGUST 02, 2024

PER COURT :

1. Applicant is wife. She seeks transfer of proceeding filed by Respondent/Husband being Marriage Petition No. 62/2023 pending before C.J.S.D., Nandurbar to Family Court, Pune. Only reason for the transfer is that distance between Nandurbar and Pune where Applicant resides is about 460 kms.

2. This contention of the Applicant is opposed by the Applicant on the ground that he is required to take care of his parents and more particularly, his father who has heart ailment. It is his contention that for this reason he has sought transfer from Pune to Dhule. It is his further contention that he is working in the Town Planning Department and it will be difficult for

him to take leave and to go to Pune to attend proceeding. It is also contended that the wife can appear through video conferencing facility. Finally, on instructions, he makes statement that Respondent is ready to pay travelling allowance to wife, which will take care of her grievance.

3. It is settled position of law that convenience of wife is paramount and unless the greater inconvenience is caused to he husband, the request of the wife is to be ordinarily accepted. In the instant case, undisputedly Applicant is resident of Pune and distance between Pune and Nandurbar is 460 kms. Even if travelling allowances are borne by the husband, the inconvenience that will cause to the Applicant cannot be mitigated. In so far as the contention of the Respondent about he cannot leave the headquarter is concerned, admittedly he is working as a clerk in the Government Department. It is not possible to accept that the leaves are not allowed to the Government Servants. As far as the suggestion of the Respondent about the wife could appear through V.C. is concerned, the same request can be made by the Respondent to the

Family Court, Pune.

4. Having regard to the aforestated facts, application stands allowed in terms of prayer clause 'B'. Parties are directed to appear before the Family Court on 02.09.2024. By consent of both sides, learned Family Court is requested to take up the matter for hearing on working Saturdays only. No fresh notice to be issued by the Family Court for appearance of the parties.

(R. M. JOSHI, J.)

Malani