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

920 MISC.CIVIL APPLICATION NO. 31 OF 2024

SOU. AMRUTA W/O KANISHK HAWALDAR

....Applicant

VERSUS

KANISHK S/O MOHAN HAWALDAR

.....Respondent

Mr. N. B. Bankatrao, Advocate for the applicant

Mr. Vaishali Patil, Advocate for the respondent

CORAM : KISHORE C. SANT, J.

DATE : 10th JANUARY, 2025

P. C.

1. Heard the parties.

2. This application is by the wife seeking transfer of the Mantrimonial proceeding initiated by the husband bearing A-203/2023 pending before the Family Court, Kolhapur to Family Court, Nanded.

3. It is the case of the petitioner-wife that husband has filed proceeding for dissolution of marriage at Kolhapur. The

wife is now residing at Nanded with her daughter aged 10 years, and parents. There is no one to accompany her to travel to Kolhapur. Thus, she finds difficulty to attend the Family Court at Kolhapur. The Distance of Nanded to Kolhapur is stated to be around 500 km. It is also further the case that wife has filed proceeding under the Domestic Violence Act which is pending at Nanded. There is also a case filed under 498-A at Nanded. In any case the husband is required to come to Nanded. She thus prays for transfer the proceedings at Nanded.

4. The learned advocate for the respondent vehemently opposes the application. She submits that the petitioner – wife herself was working at Kolhapur when the proceeding was filed. It is only after filing of the petition in the Family Court, Kolhapur, the petitioner-wife shifted to Nanded. The cause of action has arisen at Nanded. Marriage also took place at Kolhapur and thus it is court at Kolhapur which has jurisdiction. She also submits that the petitioner-wife is a working woman and to travel Kolhapur she has no difficulty. Her client is ready to

pay an amount of Rs.4000/- whenever the wife attends the proceeding at Kolhapur. She also further submits that now the video conferencing facility is also available at Kolhapur. The petitioner-wife can attend the proceeding through video conference and thus distance is no bar. Whenever the physical presence is required he will pay requisite charges to the wife for traveling.

5. After hearing the parties this court finds that wife is residing with her daughter and parents and it would be difficult for her to attend the court at Kolhapur as either she has to take night traveling or she has to spent two days only for traveling to Kolhapur. There is no other facility than to go by bus. Traveling such distance certainly is difficult for the petitioner with daughter. It would be better to transfer the proceeding whether the petitioner is residing to avoid inconvenience to the wife.

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6. In view of the same, this court is inclined to allow the application. Therefore, the application stands allowed in terms of prayer clause-B.

[KISHORE C. SANT, J.]

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