



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

MISC. CIVIL APPLICATION NO. 71 OF 2024

Swati w/o Ganesh Pawar
Age : 27 years, Occu. : Household
R/o. Neknoor, Tq. & Dist. Beed
At present Vishrantwadi, Lane No. 15,
Galli No. 8, Second Floor
of the last House, Pune. .. Applicant

Versus

Ganesh s/o Baburao Pawar
Age : 29 years, Occu. : Private Service,
R/o. Row House No. 1,
Neknoor, Tq. & Dist. Beed. .. Respondent

Mr. Ramesh V. Naiknavare, Advocate for the Applicant.
Mr. M. B. Ubale, Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATED : 24th APRIL, 2025.

P. C. :-

. Heard the parties.

2. This application is by wife seeking transfer of matrimonial proceedings from the Court of learned Judge, Family Court, Beed to the Court of learned Judge, Family Court, Pune. It is the case of the applicant that, presently she is residing in Pune with her maternal uncle who is taking her care.

3. The learned advocate for the applicant submits that, since the parents of the applicant are poor agricultural labours, care of the applicant is taken up by her maternal uncle who is residing in Pune. To attend the proceeding at Beed, there is no one to accompany her. He relies upon the judgment in the case of Sumita Singh Vs. Kumar Sanjay and another¹ where the Hon'ble Apex Court has held that, the consideration of such matters is convenience of wife. In that case, the proceeding is transferred where the wife was residing in the facts of that case.

4. The learned advocate for the respondent vehemently opposes the application. He submits that, the applicant - wife was very well residing with her parents at Kallamb. Only in the year 2021 she went to reside with her uncle. He invites an attention to the affidavit filed by the applicant wherein, she herself has given the address of Neknoor, Taluka Kaij, District Beed and presently at Taluka Kallamb, District Osmanabad. He thus submits that, it is the applicant who has given different addresses in different proceedings. There is no cogent reason as to why she is residing at Pune. He thus opposes the application.

5. After hearing the parties and the submissions, it is clearly seen that, the applicant is resident of Neknoor, Taluka Kaij, District Beed. In

¹ (2001) 10 SCC 41.

the proceeding filed by herself bearing H.M.P No. 17/2021 she has given the address of Neknoor, Taluka Kaij, District Beed and presently Kallamb, District Osmanabad that was filed for divorce under Section 13 of the Hindu Marriage Act.

6. This Court thus finds that, there is substance in the submission that the applicant - wife is changing address from time to time and presently she is residing in Pune with her maternal uncle. It is admitted that, her parents are still residing in Kallamb. For all these reasons this Court finds that, case is not made out to show any indulgence by passing the order of transfer of the proceedings. Instead of, the following order to take care of the parties.

ORDER

(I) The Misc. Civil Application stands rejected.

(II) The applicant - wife can attend the proceedings through video conferencing whenever request is accepted by the Court. When physical presence is required, the husband shall pay to the wife an amount of Rs. 1,500/- (Rs. One Thousand Five Hundred only) for attending the Court, well in advance, so that the wife can make arrangement of travelling.

(III) The learned Trial Court try to dispose of the proceedings as early as possible and preferably within one (01) year from today.

(IV) With this, the Misc. Civil Application stands disposed of.

(KISHORE C. SANT, J.)

PS.B.