



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

MISC. CIVIL APPLICATION NO. 109 OF 2025

Sow. Anupama Rajesh Awake

.. Applicant

Versus

Shri Rajesh Manmath Awake

.. Respondent

Mr. M. L. Dharashive, Advocate for the Applicant.

Mr. A. M. Reddy, Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 06th OCTOBER, 2025.

PER COURT :-

1. Heard the parties.
2. This application is moved by applicant - wife seeking transfer of matrimonial proceedings i.e. H.M.P. No. 1741/2021 instituted by respondent – husband in the Court of learned C.J.S.D., Pune to the Court of learned C.J.S.D., Latur. The present application is filed on 23.03.2025. It is undisputed that the wife is an Ayurvedic doctor and runs hospital at Ausa, District Latur. She has filed this application after four years only on the ground that she find it difficult to travel to Pune for attending the Court.

Second ground raised is that, her son is residing with her at AUSA and she is residing with her parents.

3. The learned advocate Mr. Dharashive for the applicant vehemently argued that, the applicant is a lady and her convenience needs to be seen. He relies upon the judgment in the case N.C.V. Aishwarya Vs. A. S. Saravana Karthik Sha reported in 2022 SCC Online SC 1199. The Hon'ble Apex Court in the said case observed that, the appellant in that case was a young lady of 21 years age staying alone with her aged parents. It is recorded that, it is difficult for her to travel from Chennai to Vellore for attending Court proceedings. He thus submits that, the application needs to be allowed.

4. The learned advocate Mr. Reddy for respondent vehemently opposes the application. He has also filed on record affidavit in reply. It is pointed out that, in the proceedings filed by the husband at Pune she filed an application below Exh. 17 seeking travelling expenses and interim alimony. The Court at Pune allowed the said application and directed the respondent – husband to pay Rs. 25,000/- per month to the applicant towards

maintenance of her own and son. It is also further directed to pay Rs. 20,000/- towards litigation expenses and Rs. 2000/- per day towards travelling expenses. He thus submits that, on one hand the applicant is getting maintenance of Rs. 25,000/- plus travelling expenses and now after four years she is praying for transfer of the proceeding. The proceeding is at the stage of framing of issues and the applicant is required to come only for few dates to attend the Court. It is at this stage, this application is filed. He also pointed out that, the applicant is active lady and attends various conferences throughout the State and even in other States. Travelling to other places is not difficult for her as she also happens to be a professional in the medical profession. She is also conducting seminars, workshops etc. even for the citizens coming from difference countries. The learned advocate relies upon the following judgments :

(i) Kamaljit Kaur Vs. Prince Singh Chhabra reported in MANU/SC/2629/2005.

(ii) Reema Sethi Vs. Deepak Sethi reported in (2005) 11 SCC 568.

(iii) Preeti Sharma Vs. Manjit Sharma reported in (2005) 11 SCC 535.

(iv) Anindita Das Vs. Srijit Das reported in MANU/SC/2855/2005.

(v) Manoj Dnyaneshwar Sattyavijay Vs. Rinku Manoj Sattyavijay in Misc. Civil Application No. 312/2024.

(vi) Sunaina Vishwakarma Vs. Vijay Kumar Vishwakarma reported in 2023 SCC Online MP 1148.

5. This Court need not go into the discussion about the judgments. The application for transfer is to be decided looking at the convenience of the parties. It is settled that, in such applications generally convenience of the wife should be seen. However, the Court also needs to see the facts of each case. In the present case, it is seen that, the wife can very well travel to Pune. She on her own has filed an application for interim alimony for herself and her son. The Court at Pune has also directed to pay travelling expenses on her application. On one hand she has also stated that, she needs to attend the hospital. It is also seen that, in the application she herself stated one of the grounds that she is a practicing doctor at Latur and for the convenience of the patients she find it difficult to leave Latur.

6. This Court thus finds that, having secured order of interim alimony and travelling expenses, it would not be proper to file an

application for transfer of proceeding after four years. For all the period she has taken benefit of the order passed on an application below Exh. 17 by the Court at Pune in the proceeding.

7. Considering the above, this Court finds that, this is not a case where the proceeding is required to be transferred merely for asking. Hence, following order :

ORDER

- (I) Misc. Civil Application stands rejected.
- (II) It is expected of the Trial Court to complete the proceeding as early as possible and preferably within one year from today.
- (III) It is open for the applicant – wife to make a request to the Court to allow her to attend the Court proceeding through video conferencing.
- (IV) Misc. Civil Application stands disposed of.
- (V) The husband to clear all arrears as per the order below Exh. 17 passed by the Court at Pune dated 11.10.2024 within two months from today.

(KISHORE C. SANT, J.)

PS.B.