



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

MISC. CIVIL APPLICATION NO. 256 OF 2024

Kranti @ Bhgyashree Vinod Alate

.. Applicant

Versus

Vinod Tatyaba Alate

.. Respondent

Mr. Nikhilesh K. Tungar, Advocate for the Applicant.

Mr. Moinpasha Shaikh Farid, Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 10th SEPTEMBER, 2025.

PER COURT :-

. Heard learned advocates for both the parties.

2. This application is preferred praying for transfer of matrimonial proceeding bearing Marriage Petition No. A-4/2023 pending in the Court of learned C.J.S.D., Kallam to the Court of learned C.J.S.D., Ahmedpur. The application is preferred by wife.

3. It is the case of the wife that, the distance between Ahmedpur and Kallam is around 110 kms. She find it difficult to travel such a long distance. There is no one to accompany her to travel to attend the Court proceeding. She is residing with her old

aged parents. There are three proceedings going on in the Court at Latur bearing Nos. 142/2017, 17/2023 for recovery of maintenance and R.C.C. No. 125/2016 where the husband has already appeared. The learned advocate submits that, it would be convenient if the present application is transferred to the Court at Ahmedpur.

4. The application is vehemently opposed by the learned advocate for respondent. He submits that, the proceeding is initiated in 2018. It is re-numbered in 2023. The wife is appeared in the proceeding and has even participated. Evidence of the husband is completed. The application is filed at such belated stage only to protract the litigation. He further submits that, convenience of the wife is not the sole consideration in the matter of transfer of proceedings. He relies upon the judgment in the case of Amruta Vs. Sachin reported in 2025 SCC Online Bom 2808.

5. After hearing the parties, it is seen that, three proceedings are already pending in the Court at Ahmedpur which the husband is attending. Considering that, it would be convenient for both

the parties to have the proceedings decided at one place.

6. The judgment relied upon by the learned advocate for respondent is in respect of transfer of the proceedings from Pune to Kallam. In that view, it is held that mere convenience is no ground. In the present case, there is one more factor that needs to be consider is that, three proceedings are pending it the Court at Ahmedpur. Two times wife has approached this Court after participating in the proceeding for last six years. However, this Court finds that, the proceeding can be transferred. Inconvenience of the husband can be taken care of by following order.

ORDER

(I) Misc. Civil Application stands allowed in terms of prayer clause (B).

(II) After transfer of the proceeding, the learned Judge shall try to dispose of the same as early as possible and preferably within eighteen months from today.

(III) The wife shall not seek any unnecessary adjournments. If the Court finds that, the wife has taken unnecessary adjournments, the Court may pass appropriate order

compensating the husband.

(IV) If the husband prays for leave to appear through video conferencing, the said prayer be considered liberally by making him facility of video conferencing available.

(V) No separate notice be issued to the parties after transfer of the proceedings. Parties to appear suo motu.

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

(KISHORE C. SANT, J.)

PS.B.