



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

MISC. CIVIL APPLICATION NO. 285 OF 2024

Sow. Shradha w/o Swapnil Deolalikar
@ Smita d/o Suresh Shahane,
Age : 39 years, Occu. : Nil,
R/o. c/o : Suresh Bhaskar Shahane (Sir)
Sainath Nagar, Near Saibaba Mandir,
In front of White House, at post
Pathardi, Taluka Pathardi
District : Ahmednagar
Mob. No. 9623580685

.. Applicant

Versus

Swapnil s/o Sudhir Deolalikar,
Age : 42 years, Occu. : Business
R/o. : Flat No. 4, Aditya Residency,
Ganesh Colony, Uttam Nagar,
Nashik – 422008.
Mob. No. 8668818984.

.. Respondent

Mr. Shahaji K. Shinde, Advocate for the Applicant.
Mr. Kailas V. Pawar, Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATED : 30th JANUARY, 2025.

P. C. :-

. Heard the parties.

2. This application is for transfer of matrimonial proceedings filed before the learned Family Court at Nashik to the learned Civil Judge Senior Division at Ahmednagar. The applicant is a wife. It is stated

that, she is residing with her parents who are old aged persons. There is no one to accompany her to travel to Nashik to attend the Court proceedings.

3. The application is vehemently opposed by the learned advocate for respondent. He relies upon the judgment of the Hon'ble Apex Court in Transfer Petition (Civil) No. 191/2005 in the case of Anindita Das Vs. Srijit Das. He further relies upon the judgment in Transfer Petition (Civil) No. 777/2004 in the case of Gargi Konar Vs. Jagjeet Singh.

4. This Court finds that, both the judgments were rendered on the facts of the case. Later on, there are various other judgments of the Hon'ble Apex Court holding that, it is the convenience of the wife that should be considered in the matter of transfer of the proceedings.

5. In the present case, this Court finds that, the wife is staying with her parents at Pathardi, District Ahmednagar. There is one more proceeding filed for restitution of conjugal rights by the wife in the Court at Ahmednagar. Thus, this Court is inclined to allow the application for this reason also that, it is in the interest of both the parties that the proceedings are decided by one and the same Court. In view of the same, following order :

ORDER

(I) The misc. civil application stands allowed in terms of prayer clause (B).

(II) After the proceedings are transferred, the applicant - wife shall not seek unnecessary adjournments. If the Court finds that, the applicant - wife is seeking unnecessary adjournments, the Court may pass appropriate order compensating the respondent – husband.

(III) With this, the misc. civil application is disposed of.

(KISHORE C. SANT, J.)

PS.B.