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4-MCA-268-2023

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

4 MISC.CIVIL APPLICATION NO. 268 OF 2023

Shivani Shriyash Mohite

VERSUS

Shriyash Rajendra Mohite

...

Mr. Valmik S. Munjal h/f Mr. V. S. Undre, Advocate for Applicant.

Mr. Nitin U. Telgaonkar, Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 27th MARCH 2025

PC :-

1. Heard the parties for some time.
2. This application is filed for transfer of the matrimonial proceeding i.e. Hindu Marriage Petition No.232 of 2024 pending in the court of learned Judge, Family Court at Pune to the Court of learned Civil Judge, Senior Division, Bhum Dist. Osmanabad.
3. It is the case of the applicant-wife that the applicant is residing with her parents at Chinchpur Tal. Bhum Dist. Osmanabad. It is difficult for her to attend the Court proceeding at Pune. She is not in a position to attend the proceeding, the proceeding is going on uncontested. She

even could not file written statement. The matter was even posted for judgment in March 2023. In that view, she is required to file application for transfer.

4. Learned Advocate for the respondent-husband vehemently opposed the application. He submits that the proceedings is filed on 10th February 2022 after few dates of counseling, the applicant did not remain present before the Court. The evidence of the husband-respondent was over and matter is kept for judgment. It is at that stage, the wife appeared and got the matter adjourned and, thereafter, she filed application in this Court. He submits that application is malafide and just to harass the husband. On one hand, she is not appearing in the proceeding and on the other hand she wants the same to be transferred. In between, the parties were referred to mediation but the mediation has failed due to non co-operation of the applicant. He prays for dismissal of the application.

5. After hearing the parties, this Court finds that the distances between Bhum to Pune is a long distance. It is difficult for any lady to travel alone to such a distant place for attending court proceeding.

From the *roznama* produced on record of the Hindu Marriage Petition it is seen that the wife even could not attend the dates in the Court. This clearly shows that she has no means to travel.

6. Considering above, this Court is inclined to allow the application.

Hence, the following order:

ORDER

- (i) Application is allowed in terms of prayer clause (A).
- (ii) The applicant-wife shall not seek unnecessary adjournments in the proceeding. If the trial Court finds that the adjournment is unnecessarily sought, the trial Court may pass suitable order compensating the respondent-husband, if he personally remains present.
- (iii) After transfer the learned Trial Judge shall try to dispose off the proceeding as early as possible and preferably within one year from the date of transfer.
- (iv) As far as possible, the respondent-husband shall be allowed to attend the Court proceeding through video conferencing.

- (v) With this, both the applications stand disposed off.

[KISHORE C. SANT, J.]