



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

2 MISC.CIVIL APPLICATION NO. 352 OF 2024

Supriya Ashok Lembhe @ Supriya Mahesh Kadus

VERSUS

Mahesh Bhausaheb Kadus

...

Mr.Paresh Bhaskarrao Borse Patil, Advocate for Applicant.

Mr.Abhijit More, Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 18th FEBRUARY 2025

PC :-

1. Heard the learned Advocates for the parties.
2. This application is filed for transfer of the proceeding bearing Civil Misc. Application No.06 of 2021 filed by the applicant-wife herself in the Court of learned Civil Judge, Senior Division, Satara to the Court of learned Judge, Family Court at Aurangabad.
3. It is the case of the applicant-wife that, she has filed an application claiming permanent custody of minor daughter when she was posted at Satara, she is now transferred to Aurangabad as Senior Geologist in the ground water survey Department. She is staying at Aurangabad with

her daughter, who is aged around 14 years. There is no one in the family to look after the daughter except the present applicant. The distance between Satara to Aurangabad is around 350 k.m. which practically makes her impossible to travel in a day to attend the Court proceeding. She is required to undertake night journey to reach Satara to attend the Court proceeding. There is not any relative in Satara where she can stay. She thus prays for transfer of the proceeding from the Court of learned Civil Judge, Senior Division, Satara to the Court of learned Judge, Family Court at Aurangabad.

4. The application is vehemently opposed by the learned Advocate for the respondent. He submits that merely because, applicant-wife is transferred to the place to any other place than where the proceeding is instituted, is no ground to transfer the proceeding. Respondent-husband is practicing Advocate by profession. It is difficult even for the husband to attend the Court at Aurangabad. He thus prays for rejection of the application.

5. During the course of argument, he has come that even the husband is residing at Pune and not at Satara, so in any case, he has to

travel to attend the Court proceeding. Considering all above, this Court is inclined to allow the application. Application is allowed in terms of prayer clause (B).

6. After the proceeding is transferred, the learned Judge shall try to dispose of the proceeding as early as possible and preferably within one (1) year from the date of transfer of the proceeding.

7. The applicant-wife shall co-operate in speedy disposal of the proceedings without seeking unnecessary adjournments. If the Court finds that unnecessary adjournments are sought by the applicant-wife, the Court shall deal with it to compensate the respondent.

8. Whenever possible, the respondent husband be allowed to appear through Video Conferencing.

9. With this, Application stands disposed off.

[KISHORE C. SANT, J.]