



(1)

10-MCA-383-2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

10 MISC.CIVIL APPLICATION NO. 383 OF 2024

Rubina Habib Pathan

VERSUS

Habib Hameed Pathan

...

Adv. Menezes Joslyn Anthony, Advocate for Applicant.

Mr. Gajanan S. Shembole, Advocate for the Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 25th APRIL 2025

PC :-

1. Heard the learned Advocate for the parties.
2. This application is filed seeking transfer of Regular Civil Suit No.652 of 2024 from the Court of learned Civil Judge Senior Division, Beed to the Court of learned Judge, Family Court, Aurangabad.
3. The Suit is filed for divorce by the respondent-husband. It is the case of the applicant-wife that, she is residing at Aurangabad with her parents. The marriage has taken place at Aurangabad. Even the respondent-husband is residing at Aurangabad because of his service. The proceeding is filed in the Court of learned Civil Judge Senior

Division, Beed. It is submitted that, looking to the inconvenience of the wife, she finds it difficult to attend the court proceeding at Beed. The wife is, therefore, approached this Court.

4. The learned Advocate for the respondent-husband vehemently opposed the application. However, he accepts the fact that the respondent-husband is also working at Aurangabad.

5. Considering above aspect, this Court finds that there is no propriety in keeping the matter before the Court at Beed, when admittedly the marriage has taken place at Aurangabad, and the Aurangabad Court also has a jurisdiction.

6. Considering above, this Court is inclined to allow the application. The application is, therefore, allowed in terms of prayer clause (B).

7. The applicant-wife shall not seek unnecessary adjournments. In case the Trial Court finds that the adjournments are unnecessarily sought, the Trial Court may deal with such application, so as to compensate the respondent-husband, if he personally remains present.

8. The learned Judge shall try to dispose of the proceeding as early as possible and preferably within eighteen (18) months from the date of

transfer of the proceeding.

9. With this, application stands disposed off.

[KISHORE C. SANT, J.]