



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

10 MISC.CIVIL APPLICATION NO. 361 OF 2023

**ASHWINI BRIJESH SAWANT @ ASHWINI BAJIRAO
BODHARE**

VERSUS

BRIJESH RAMAKANT SAWANT

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Advocate for Applicant : Mr. Girish S. Rane
Advocate for Respondent sole : Mr. N. L. Chaudhari

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CORAM : KISHORE C. SANT, J.

Dated : February 03, 2025

PER COURT :-

1. Heard the parties for some time.
2. This application is moved by wife seeking transfer of proceedings of HMP No. 106 of 2023 pending in the Court of learned Civil Judge Senior Division, Nandurbar to the Court of learned Civil Judge Senior Division, Amalner.
3. It is stated that the distance between two places is about 100 kms. The daughter is staying with the applicant-wife. Though, the husband is working at Sakri, he has deliberately filed proceedings before the Court of

learned Civil Judge Senior Division, Nandurbar. He thus prayed for transfer of proceedings.

4. The learned Advocate relies on the judgment in the case of *Anisha Sanjay Hinduja vs. Sanjay Shrichand Hinduja* reported in 2003 (3) Mh.L.J at page No.139.

5. This Court, by relying upon the judgment of the Hon'ble Apex Court in the case of *Sumita Singh vs. Kumar Sanjay and another* reported in AIR 2002 SC 396, has held that it is convenience of the applicant-wife that should be seen. The learned Advocate relies on the same judgment in respect of his submissions.

5. The learned Advocate Mr. Chaudhari strenuously opposes the application. He submits that at present, both the parties are serving at Sakri, as teachers and there is no dispute that the distance between Sakri and Nandurbar is hardly 60 kms. Though the applicant-wife had stated that she resides at Amalner, as a matter of fact she resides in Sakri. He opposes the prayer of the applicant-wife.

6. Considering the submissions and the judgment in the case of *Anisha Sanjay Hinduja vs. Sanjay Shrichand Hinduja*, this Court is inclined to allow the application. Hence following order :

ORDER

- i. The application is allowed in terms of prayer clause “A”.
- ii. After transfer, the applicant-wife shall not seek any unnecessary adjournments. In case the Court comes to conclusion that the applicant-wife is seeking unnecessary adjournments, the Court shall pass appropriate order compensating the respondent-husband in case he personally attends the court on such date.
- iii. Considering that, HMP No. 106 of 2023 is of the year 2023, the learned Civil Judge Senior Division, Amalner, shall try to conclude proceedings as early as possible and preferably within 18 months from today.

(KISHORE C. SANT, J.)