



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

63 MISC.CIVIL APPLICATION NO. 229 OF 2024

MRS. SHIVANI W/O MOHIT GANDHMAL @ SHIVANI D/O SHIVKUMAR
SANGAM

VERSUS

MOHIT S/O BABURAO GANDHMAL

Mr.P.A. Bhosle, Advocate for the applicant.

Mr.C.V.Deshmukh, Advocate for sole respondent.

CORAM : KISHORE C. SANT, J.

DATE : 23.01.2025

PC :-

01. Heard learned Advocates for the parties. This application is for transfer of proceeding of Petition No. A-205 of 2024 pending in the Family Court, Solapur to the Family Court, Jalna. The application is at the instance of wife. The husband has filed proceeding for divorce at Solapur. Learned Advocate for the applicant submits that distance between the two places is 300 kms. The applicant is required to travel with two years' old daughter. She is presently residing with parents. Even mother of the applicant is bedridden and therefore her father cannot accompany her if the applicant is required to travel to Solapur.

02. Learned Advocate for the respondent vehemently opposed the application. He relies on the order passed by this Court at Principal Seat, Mumbai in MCA No.81 of 2020. This Court has observed that mere

convenience of child is no ground to transfer the proceeding. It was a case wherein transfer of the petition was sought from the Court at Bandra, Mumbai to the Court at Pune.

03. This Court finds that said order cannot be made applicable to the present case, as there is no issue of connectivity in that case. In the present case, if wife has to travel to attend the proceedings, she has to spend at least three days or has to undertake overnight journey. This Court is, therefore, inclined to allow this application. Hence, following order :-

ORDER

- i. The misc. civil application is allowed in terms of prayer clause (B).
- ii. 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.
- iii. The applicant shall not seek unnecessary adjournments. In case the Trial Court find that the adjournments are unnecessarily sought by the applicant, the Trial Court may deal with such application, so as to compensate the respondent-husband, if he personally remains present.

[KISHORE C. SANT, J.]