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48-MCA-82-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

48 MISC.CIVIL APPLICATION NO. 82 OF 2025

Rohini Wo Chetan Patil

VERSUS

Chetan So Kishor Patil

...

Ms. Shilpa Laxmanrao Awchar, Advocate for Applicant.

Ms. Kasturi Bhore, Mr. Lav Tambe and Mr. K. P. Rodge i/by K. L. Legal,
Advocates for Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 24th SEPTEMBER 2025.

PC :-

1. Heard the learned Advocates for the parties.
2. This application is filed seeking transfer of the matrimonial proceeding bearing Petition A -2067 of 2024 pending before the learned Judge, Family Court at Pune to the Court of learned Judge, Family Court at Jalgaon.
3. The learned Advocate for the applicant submits that the applicant-wife is presently staying at Muktainagar Colony, Jalgaon. The distance between Pune to Jalgaon is more than 475 k.m. The applicant-wife finds

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it difficult to travel to Pune as there is no one in the family in a position to accompany her to travel to Pune. It is orally submitted that the even a 498-A case is filed at Jalgaon and the same is pending where the husband has already caused the appearance. She thus prays for allowing the application.

4. The learned Advocate for the respondent-husband has vehemently opposed the application. She submits that when the matter is pending in the Court at Pune, the wife has already caused her appearance. For some time, she also participated in the mediation process in Pune. It is only thereafter, on apprehending that she may not get favourable order in Pune, she has filed this application deliberately at belated stage. She is a lady, who can travel. She has done her engineering from Kolhapur and thus to travel is not a difficult task for her. It is further submitted that she is in habit of filing false cases. One of the cases, she has filed in the Court at Dhule alleging wrongly confinement of daughter of a couple. It is alleged in the complaint that the father-in-law of the applicant has kept the daughter with him. The respondent is ready to pay the expenses

to the applicant. During the course of argument it is also argued that the daughter is staying at Dhule with the father of the husband and he has to take care of the daughter as well. The husband if is required to take so many leaves,, his career will be effected.

5. In support of her submissions, she relied upon the following judgments.

(i) *Reema Sethi Vs. Deepak Sethi*¹;

(ii) *Preeti Sharma Vs. Manjit Sharma*²;

(iii) *Anindita Das Vs. Srijit Das*³;

(iv) *Devendra Kumar Sarewgee and Ors. Vs. Purbanchal Estates (P) Ltd. And Ors.*⁴

6. In the case of *Anindita Das* (supra), the Hon'ble Apex Court held that mere difficulty in traveling is not a ground for transferring the proceeding. The wife can be provided the expenses for travelling and provision for her stay. In addition to that, the wife can also apply for exemption from attending the Court. the Hon'ble Apex Court also considered the merits of the case and passed the order requesting to

1 (2005) 11 SCC 568

2 (2005) 11 SCC 535

3 (2006) 9 SCC 197

4 (2006) 9 SCC 199

transfer of the proceeding.

7. In the case of ***Preeti Sharma*** (supra), the Hon'ble Apex Court considered that no substantial ground for transfer was made out. It was kept open for the petitioner to apply for the cases to be tried at one place and to transfer the cases pending in Delhi to Muzaffar Nagar. It is further held that merely because the petitioner therein happened to be a lady, it does not mean that she cannot travel to Muzaffar Nagar. The expenses were directed to be paid for travel and stay. In that case, the request for transfer was refused.

8. In the case of ***Reema Sethi*** (supra), the Hon'ble Apex Court refused the transfer petition. In that case, the only ground was that the wife was unemployed and had no independent source of income and she was not in a position to go to Indore. In that case, the husband was directed to pay the travel and stay expenses on every occasion whenever the wife is required to attend the Court at Indore and dismissed the petition.

9. The argument of the husband that the daughter is also staying at

Dhule cannot be accepted for a simple reason that he is also not taking care of her. The daughter is also staying at Dhule and not with him. This Court hardly finds that to be a sufficient ground for rejection of the application. Now, there are catena of judgments holding that it is the convenience of the wife that should be considered in the matters of transfer of the proceedings and those are after the judgments relied upon by the learned Advocate for the respondent. This Court thus finds that it would be in the interest of justice to allow the application. Hence the following order:

ORDER

- (i) Misc. Civil Application stands allowed in terms of prayer clause (B).
- (ii) The applicant 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.

(iii) If the husband makes a prayer to appear through video conferencing, such prayer be considered liberally by the Trial Court.

(iv) With this Application stands disposed off.

[KISHORE C. SANT, J.]