

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

909 MISC.CIVIL APPLICATION NO. 54 OF 2016

SAU. DEEPALI @ GAURI W/O SHRIKANT @ RAHUL BAGDE
VERSUS
SHRIKANT @ RAHUL S/O SANJAY BAGDE

Shri. R.M. Deshmukh, Advocate, for applicant.
Shri. M.M. Bhokarikar, Advocate, for respondent.

CORAM: T.V. NALAWADE, J.

DATE : 5th JULY 2016

ORDER:

1) The application is filed by the wife for transfer of Petition No. A.437/2014 filed by the respondent-husband for declaring the marriage as nullity. Both sides are heard.

2) It is the case of the wife that she is resident of Amalner and the distance between Amalner and Nashik where the proceeding is filed by the husband is around 300 kilometers. It is her case that she has filed at least three proceedings in Amalner Court like proceeding under the Protection of Women from Domestic Violence Act, proceeding for maintenance and proceeding under section 9 of the Hindu Marriage Act. It is her case that in any case

the husband will be required to come to Amalner to contest those proceedings. So no inconvenience will be caused to him if all the matters are brought at one and the same station. It is her case that she is housewife, she cannot afford to spend on the proceeding and attendant.

3) Learned counsel for the husband has strongly opposed the application. He submitted that the husband is feeling cheated and he has filed proceeding for aforesaid relief. He has filed criminal case for offences punishable under Sections 406, 420 etc. of the Indian Penal Code also against the wife at Nashik. He submitted that the husband is businessman and he will face all kinds of problems, he will not be able to do his business if he is required to go Amalner which is not convenient of him. He submits that the husband is ready to give some amount for conveyance to the wife if the matter is not transferred. Alternatively, it was submitted that the matter can be brought to a station like Jalgaon which will be convenient to the husband and in that case also the husband is ready to give some amount for conveyance, attendant as the wife will be required to go to Jalgaon from Amalner.

Learned counsel for the husband submits that the husband is receiving threats. Such allegations are generally made when the proceedings of the present nature are filed.

4) Though aforesaid submissions are made for the husband, things do not remain under control. It is true that the proceeding filed by the husband is first in time and subsequently the wife filed the proceedings. Though this circumstance is there, considering the fact that wife is aged about 25 years she will be required to take at least one attendant with her for going to Nashik and every time she may not be able to get attendant. In view of these circumstance and in any case the husband is required to go to Amalner to contest the aforesaid three matters, this Court holds that it is desirable to bring all the matters at one and same station like Amalner.

5) Learned counsel for the husband has placed reliance on one case reported as **2005 AIR SCW 3200 (Pratibha Khemka v. Sanjay Kumar Khemka)**. Facts and circumstances of each and every case are always different.

6) Considering the status of the parties of the present case and the occupation of the husband this Court holds that to enable the wife to contest the matter filed against her by the husband, the matter needs to be transferred.

7) In the result, the application is allowed. The Petition bearing No. A.437/2014 presently pending in the Family Court Nashik is hereby withdrawn from that Court and is transferred to the Court of the Civil judge Senior Division Amalner where the proceeding filed by the wife under section 9 Hindu Marriage Act is pending. Both the proceedings are to be decided on the same date by the new Court. The new Court to take care and see that the dates of these matters match with the date given in other cases filed by the wife in Amalner Court so that no inconvenience is caused to the husband who will be coming to Amalner Court. The parties to appear before the new Court on 22nd August 2016.

Sd/-
(T.V. NALAWADE, J.)

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