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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISCELLANEOUS CIVIL APPLICATION NO.118 OF 2015

Rekha Sunil Kharat APPLICANT
Age - 32 years, Occ - NIL
Through Prasad Uttam Sasane,
R/o Sidharth Nagar,
Behind Sarda College,
Ahmednagar

VERSUS

Sunil Bhausaheb Kharat RESPONDENT
Age - 38 years, Occ - Service,
R/o Vivek Vasahat No.2,
Bijli Nagar, Chinchwad -33
Chinchwad Station, Pune - 10
District - Pune

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Mr. D. R. Adhav, Advocate for the applicant
Mr. R. D. Bhalerao, Advocate for the respondent

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 8th FEBRUARY, 2016

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith and heard finally with consent of learned advocates for the parties.

2. Present miscellaneous civil application is moved by applicant wife seeking transfer of divorce proceedings initiated by respondent husband at Pune to a court at Ahmednagar

referring to that two other proceedings, one under the Domestic Violence Act and the other for maintenance, wherein appeal at the instance of the respondent is pending, are being prosecuted in courts at Ahmednagar. It is being contended that in both the proceedings the respondent is attending to the courts at Ahmednagar. It is the contention of the applicant wife that the respondent, in order to harass the applicant has instituted divorce proceedings before district judge at Pune. It is being submitted that it would not be possible for the applicant to undertake travel from Ahmednagar to Pune, as her father is not in a position to accompany her to attend the dates at Pune court, he having become old and that to undertake journey about 260 to 280 km would be difficult for a lady like her. Besides, she has personal health problems. Under the circumstances, having regard to aforesaid position, it is being requested to transfer miscellaneous marriage petition No.95 of 2013 pending before district Judge, Pune filed by the respondent husband to a court at Ahmednagar.

3. Mr. Bhalerao, learned advocate for the respondent on the other hand contends that two children born from the wedlock are being maintained by the husband at Pune. The applicant does not bother about their maintenance. She had earlier on filed

Domestic Violence Proceedings in the court at Pimpri wherein the applicant and his relatives have been acquitted. He further submits that the respondent is working as a ward boy and in the circumstances it is difficult for him to attend to the court at Ahmednagar.

4. Learned advocate for the respondent contends that since transfer of the proceedings of Pune court is being sought, the applicant ought to have approached the principal seat of High Court at Bombay.

5. Needless to refer to that Bench at Aurangabad is also a High Court and as such, is empowered to look into the grievance of a citizen residing within its territorial jurisdiction. It would not be proper to consider that the Bench at Aurangabad has no power to transfer proceedings from district courts outside its territorial limits.

6. Mr. Bhalerao, learned advocate goes on to submit that a lady like the applicant who is a negligent about children and who is not maintaining them, should not be shown any leniency. As a mater of fact, according to him, she is not only callous but she can also be termed as ruthless. However, in my estimate, these

are not the considerations while transfer is being sought. These may be considerations appropriate elsewhere.

7. Having regard to aforesaid and to that the respondent husband is already attending to the two proceedings pending at Ahmednagar courts, as submitted by Mr. Avhad, learned advocate appearing on behalf of the applicant, I think it would be appropriate that the proceedings which are filed by respondent husband before district court at Pune be transferred to a court at Ahmednagar. The inconvenience and difficulties expressed by learned advocate Mr. Bhalerao can be taken care of by arranging dates in all the matters which would be convenient to attend dates by the respondent husband.

8. In the circumstances, miscellaneous civil application stands allowed. Rule is made absolute in terms of prayer clause "B". Dates in the matters pending at Ahmednagar between the applicant and the respondent be so arranged as would be convenient to the respondent husband.

[SUNIL P. DESHMUKH, J.]

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