

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO. 48 OF 2016

Sau. Swati W/o Umesh Mahale,
Age : 30 years, Occu.: Household,
R/o : Ekta Nagar, Behind Kalantri Bungalow,
Soygaon, Taluka - Malegaon,
District - Nashik .. Applicant

VS.

Shri Umesh S/o Ravindra Mahale,
Age : 34 years, Occu.: Service,
R/o : Bhadgaon Road, Chalisgaon,
Taluka - Chalisgaon, District - Jalgaon .. Respondent

Mr. B.N. Palve, Advocate for the applicant
Mr. A.I. Deshmukh, Advocate for the respondent

CORAM : SUNIL P. DESHMUKH, J.
DATE : 16/03/2017

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith.
2. Heard learned counsel for the parties finally, by consent.
3. This is an application moved by wife for transfer of proceedings instituted by respondent - husband from Jalgaon to Malegaon.

4. Learned counsel for the applicant submits that it is difficult for the applicant to attend to the proceedings at Jalgaon. She has been driven away and her life had been made miserable by respondent and his relations. With an intention to preempt, the proceedings at Malegaon, proceedings at Jalgaon were lodged by the respondent. The applicant has already lodged a proceeding pursuant to provisions of Domestic Violence Act at Malegaon, and, respondent and his relatives had been attending to the same at Malegaon. He submits that distance between Jalgaon and Malegaon is more than 100 km. She has been maintaining Samruddhi - daughter from the wedlock at Malegaon and she is residing with her mother. As such, it is difficult for her to attend proceedings at Jalgaon. Additionally, respondent is presently working at Nasik.

5. Learned counsel Mr. Deshmukh for the respondent contends that respondent is able bodied and is earning Rs.20,000/- a month. Further, there are threats of physical assault at Malegaon and one such incident had taken place about which the FIR had been lodged. In the circumstances, a request is being made that proceedings be transferred elsewhere, a place different from Malegaon.

6. From the aforesaid, it emerges that the applicant has a child to maintain at Malegaon where she is residing alongwith her mother. Thus far, it appears, beyond lodging FIR, no further progress has taken place. Since there is no dispute about that the respondent is working at Nasik, it appears to be expedient in the facts and circumstances of the case, the proceedings at Jalgaon are transferred to Malegaon and the threat as perceived by learned counsel for respondent, can be taken care of, if the incident recurs, by making proper application before a court.

7. In view of aforesaid, the application is allowed in terms of prayer clause (B).

8. The dates in the two proceedings at Malegaon, be so arranged, as would be convenient to the respondent.

9. The proceedings at Malegaon be expeditiously taken up for disposal, preferably within a period of nine (9) months from the date of receipt of papers on transfer at Malegaon.

10. Rule made absolute accordingly.

[SUNIL P. DESHMUKH]
JUDGE

arp/