

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

MISCELLANEOUS CIVIL APPLICATION NO. 64 OF 2016

RUPALI W/O AJAY SAMRUT
VERSUS
AJAY S/O RAMNATH SAMRUT

...

Advocate for Applicant : Shri Shantanu Deshpande h/f Shri Gaware N.V.
Advocate for Respondent : Shri N.B. Patil Raiwadikar..

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 01st September, 2017

Per Court:

1 The Petitioner/ wife seeks transfer of HMP No.261/2015 pending before the learned Civil Judge, Senior Division, Latur to the learned Civil Judge, Senior Division at Ahmednagar.

2 It is specifically contended by the Petitioner/ wife that after she was driven out of the matrimonial home, she has started residing at the address mentioned in the cause title within the district Ahmednagar. It is also stated that she has lodged a police complaint with the Police Station in Latur owing to the threats held out against her thereby, practically preventing the Petitioner from attending the court hearing in the said proceedings at Latur.

3 Reliance is placed upon the judgment of the Honourable Supreme Court in the matter of Sumita Singh vs. Kumar Sanjay, AIR 2002. SC 396 : (2001) 10 SCC 41 and the judgments of this Court in the following cases:-

- (a) Dr.Sau.Nilima Mahesh Muley vs. Mahesh Madhavrao Muley, 2013 (1) ALL MR 398.
- (b) Sau.Kalpna w/o Pankaj Rozatkar vs. Pankaj s/o Supadu Rozatkar, 2014 (1) Mh.L.J. 32.
- (c) Mahadevi Gopal Mehetre vs. Gopal Prabhakar Mehetre, 2016 (4) ALL MR 599.

4 It is settled law that unless the husband can point out such circumstances by which the transferring of the petition/ proceedings from the area where the husband resides to the area where the wife resides, would do severe injustice to the husband or cause grave hardship to him, the convenience of the wife is normally to be considered. The Honourable Supreme Court has specifically concluded that it is the convenience of the wife that has to be considered.

5 Considering the above, this Application is allowed. HMP No.261/2015 pending before the learned Civil Judge, Senior Division, Latur shall stand transferred to the learned Civil Judge, Senior Division at Ahmednagar.

6 Since both the parties are before the Court, they shall appear before the concerned Court at Ahmednagar on 16.09.2017. Formal notices need not be issued by the said Court.

kps

(RAVINDRA V. GHUGE, J.)