

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

MISCELLANEOUS CIVIL APPLICATION NO. 123 OF 2016

Radhika w/o Chetan Aakolkar,
age 25 years, occup. : Nil,
C/o Bhausahab s/o Nanasaheb Muthe,
R/o Muthe Wadgaon, Tq. Shrirampur,
Dist. Ahmednagar .. Applicant

versus

Chetan s/o Suresh Aakolkar,
Age : 30 years, occup. Service,
c/o Shivram Kamble,
Plat No. 69, Sahayadri Nagar,
Beed Bye Pass, Aurangabad,
Office Address: Wakhad Ltd.,
L-1, MI.D.C. Chikhalthana,
Aurangabad .. Respondent

Mr. Rahul B. Temak, Advocate for applicant
Mr. Manoj Patil (Dond), Advocate h/f Mr. C.K.
Shinde, Advocate for respondent.

CORAM : SUNIL P. DESHMUKH, J.
DATE : 8th March, 2017

Oral Judgment :

1. Rule. Rule made returnable forthwith.
2. Heard learned counsel for parties finally by consent,
3. It is the case of the applicant - wife that due to marital discord, she has been staying with her parents at village Muthe Wadgaon in Shrirampur taluka, Dist. Ahmednagar. Her parents are old aged persons and there are no other members in the

family who can escort her to attend the dates in the proceedings initiated by respondent-husband in Family Court at Aurangabad for divorce bearing No.A/118 of 2016. Distance between Aurangabad and Muthe Wadgaon is stated to be 110 kilometers and said village is closer to Shrirampur and thus Shrirampur would be a place convenient for her to attend the proceedings.

4. Whereas, it is the contention of the respondent-husband that applicant is working at Pune and is not residing at village as contended on her behalf. Further, the respondent apprehends threats and assaults on him at Shrirampur since, according to learned counsel for respondent, antecedents would evince the same. Over and above this, family of the applicant is politically influential as her father is an *ex-sarpanch*, her uncle is *sarpanch* and her aunt is a member of Agricultural Produce Market Committee, Shrirampur. Thus, respondent apprehends transfer of proceedings initiated by him at Aurangabad to court at Shrirampur would not be conducive in the interest of justice.

5. Learned counsel for respondent additionally submits, in the circumstances if at all present application is being considered favourably, then proceedings from Aurangabad may be considered for transfer to Newasa rather than Shrirampur since Newasa would be a place convenient for either party.

6. Aforesaid submissions on behalf of respondent are being countered by learned counsel for the applicant asserting that the applicant is not staying at Pune and further adverts to that no material has been placed on record indicating that she is really working at Pune. He submits that the perceived threats are only pleas and are not substantiated by any material. He submits that village Muthe Wadgaon is situated at a distance of more than 10 kilometers from Shrirampur. As such, there is no substance in the allegations being hurled against applicant and her relatives.

7. Learned counsel for the applicant submits that distance between Newasa and Muthe Wadgaon is more than 20 kilometers and further that there are no frequent and adequate transport facilities available between the two places.

8. Having regard to that there is no serious challenge to the contention of the applicant that her parents are age old and that from their family an escort is difficult to come by, it would be appropriate that the proceedings which the respondent has lodged in family court at Aurangabad are transferred to a competent court at Shrirampur.

9. As far as apprehension expressed by learned counsel for respondent about threat and manhandling is concerned, the same can be taken care of if occasion for the same arises.

10. As such, miscellaneous civil application stands granted in terms of prayer clause (A).

11. It is expected that the court at Shrirampur would expeditiously proceed with transferred proceedings and decide the same as early as possible preferably within a period of six months from the date of receipt of papers of the transferred proceedings.

12. Rule made absolute accordingly. Miscellaneous civil application stands disposed of.

SUNIL P. DESHMUKH,
JUDGE

pnd