

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.142 OF 2017
(Anurdha d/o Ramnath Memane Vs.Naresh Pandurang Patil)

Mr.A.A.Pimpalwadkar, Advocate for the applicant.
Mr.V.R.Dhorde, Advocate for the respondent.

CORAM : RAVINDRA V. GHUGE, J.)

DATE : 15/12/2017

PER COURT :

1. The applicant/ wife, by this application prays for transferring RCS No.163/2017 filed by the respondent/husband from the Court of the learned C.J.J.D. Panvel to the Court of the learned C.J.J.D. at Kopargaon.

2. I have considered the submissions of the learned Advocates for the respective sides. Mr.Dhorde, learned Advocate has strenuously opposed this petition and relies upon the affidavit in reply filed by the respondent/husband dated 13/11/2017. He further submits that Section 24 of the CPC has become a tool in the hands of the wives for causing harassment to the husbands while seeking transfer of proceedings. The respondent is willing to pay for the costs which the wife would incur for travelling from Kopargaon to Panvel.

3. There is no dispute that the proceedings filed by the wife u/s 125 of the Cr.P.C. at Kopargaon have been disposed of and the proceeding under the Domestic Violence Act has been allowed. These judgments have been delivered on 20/09/2017. The husband has preferred an appeal against the order passed under the D.V.Act, which is also pending before the competent Court at Kopargaon and he is required to attend the hearings as and when so advised.

4. The Hon'ble Apex Court in the matter of Soma Choudhury Vs.Gourab Choudhury, (2004) 13 SCC 462 and in the case of Sumita Singh Vs. Kumar Sanjay, AIR 2002 SC 396 has concluded that the convenience of the wife has to be considered while transferring the proceedings. It cannot be ignored that if the husband is performing such duties in his employment which can not permit him to leave the place of employment to attend Court hearings, the said aspect could be considered. In the instant case, no such circumstances have been cited.

5. I do not find such compelling circumstances cited by the respondent/husband by which it could be construed that it is extremely difficult for the husband to travel to Kopargaon due to his work exigencies. In any case, his appeal is pending before the

Appellate Court at Kopargaon and he is required to attend the same.

6. As such, the transferring of the proceedings from Panvel to Kopargaon would not cause hardships to the respondent as he would be at liberty to pray for posting both the matters on the same day so as to attend the proceedings in a single visit.

7. Considering the above, this application is allowed in terms prayer clause "C". The respondent/husband is at liberty to pray for a common date in both the proceedings at Kopargaon.

(RAVINDRA V. GHUGE, J.)