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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

MISCELLANEOUS CIVIL APPLICATION NO.183/2016

Madhuri @ Rani Pratik Sharma,
age 27 yrs., occu.housewife,
r/o 203, Classic Shrusti,
B-Wing, Sector 3, Plot No.30,
New Panvel, Tq.Panvel.
...Applicant..

Versus

Pratik Ramesh Sharma,
age 30 yrs., occu.Artist,
r/o Chaitanya Colony,
Behind Market Yard, Ahmednagar.
...Respondent...

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Shri Virat Rathod, Advocate h/f Shri T.V. Dube, Advocate
for applicant.

Shri Y.S. Choudhari, Advocate for respondent.

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CORAM: SUNIL P. DESHMUKH, J.

DATE: 28.02.2017

ORAL JUDGMENT :

1] Rule. Rule made returnable forthwith and with the

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consent of learned counsel for the parties, the application is taken up for final disposal.

2] This application is by wife for transfer of Hindu Marriage Petition No.550/2015 pending in Civil Court at Ahmednagar for restitution of conjugal rights.

3] Learned counsel for the applicant submits that the applicant has been staying with her parents at Panvel since the marital discord leading to harassment in the matrimonial house. She has a two year child from the wedlock.

4] Applicant had to institute proceedings for maintenance pursuant to Section 125 of the Code of Criminal Procedure, which are pending at Panvel. The situation has deteriorated further entailing her to lodge FIR against her husband and in-laws at Panvel. However, now it is stated to have been transferred to Ahmednagar. The respondent has moved aforesaid Hindu Marriage Petition for restitution of conjugal rights at Ahmednagar.

5] According to the learned counsel, the applicant having regard to the economical constraints and the son being young and the difficulty in getting escort on the

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dates of hearing at Ahmednagar, it would be expedient that the Hindu Marriage Petition No.550/2015 is transferred from Ahmednagar to a competent Court at Panvel.

6] The learned counsel for the respondent submits that the applicant is a well educated person and is capable of understanding. It is not a case that it would be difficult for her to attend the proceedings at Ahmednagar. In the circumstances, he urges not to indulge into the request made in the present application.

7] Though the learned counsel for the respondent has submitted so, he has not been able to challenge the veracity of the difficulties expressed by the learned counsel for the applicant.

8] Taking overall view of the matter and particularly Section 19 of the Hindu Marriage Act, it would be expedient that the proceedings which have been lodged by the respondent – husband at Ahmednagar, be transferred to Panvel.

9] The learned counsel for the applicant states that the Court of Civil Judge, Senior Division, is available at Panvel.

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10] In view of the aforesaid, the Miscellaneous Civil Application stands allowed in terms of prayer clause (A). Rule is made absolute accordingly. The dates in the proceedings at Panvel be so arranged as would be convenient to the respondent - husband.

(SUNIL P. DESHMUKH, J.)