

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.183 OF 2017
(Sangita @ Radhika w/o Sachin Agale Vs. Sachin Raghunath Agale)

Mr.A.G.Ambetkar, Advocate for the applicant.

CORAM : RAVINDRA V. GHUGE, J.)

DATE : 08/12/2017

PER COURT :

1. The applicant/wife, by this application, has prayed for transferring the HMP No.67/2017 from the Family Court, Aurangabad to the Court of the learned Civil Judge, S.D. Ahmednagar.
2. The respondent/husband is served with Court notice. No appearance has been entered either through an Advocate or in person.
3. The applicant/wife submits that there are 3 proceedings instituted in the Courts at Taluka Pathardi. She resides at Mohoj Bk., Tal.Pathardi, Dist. Ahmednagar and she attends the Court hearings in those proceedings at Pathardi from her village, which is

at a close distance. She resides with her father, who is an agriculturist and who travels alongwith her for securing her safety for the Court matters.

4. It is stated that the respondent/husband has initiated the proceedings before the Family Court at Aurangabad. The distance from Ahmednagar to Aurangabad is almost 115 kms. Being a lady, an adult member of the family and mostly her father is required to undertake the journey to attend the Court hearing and travel back to her village which is in Pathardi Taluka. Pathardi is about 55 Kms from Ahmednagar and her village is about 15-20 kms ahead of Pathardi. It is, therefore, prayed that the proceedings from Aurangabad be transferred to Ahmednagar which would reduce the travelling distance and would also reduce the rigours of litigation.

5. 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.

6. Considering the above, this application is allowed in terms of prayer clause "C", which reads as under :-

"The matrimonial proceeding bearing Hindu Marriage Petition No.A 67/2017, may kindly be ordered to be transferred from the Ld. Family Court, Aurangabad to Ld. Civil Judge, Senior Division, Ahmednagar."

(RAVINDRA V. GHUGE, J.)