

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.229 OF 2017
(Komal Sagar Ohol Vs. Sagar Dyaneshwar Ohol)

Mr.V.B.Dhage, Advocate for the applicant.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 20/12/2017

PER COURT :

1. Despite service of Court notice, the respondent/husband has not entered an appearance either in person or through an Advocate.

2. Learned Advocate for the petitioner/wife submits that the husband had driven her out of the matrimonial home and was subjected to cruelty. HMP No.66/2017 has been preferred at Ahmednagar where he operates a business. The petitioner is presently residing in her parental home at Jalna which is at a distance of 170 kms. It requires a whole day to travel from Jalna to Ahmednagar for attending Court proceedings and it is after sunset that she returns home. An adult member of the family is required to accompany her for her security.

3. The Hon'ble Apex Court has taken a view that if the hardships

suffered by the wife in attending the Court proceedings instituted by the husband are evident, the proceedings should be transferred at a place which would suite the convenience of the wife and reduce her hardships, in the following 4 cases :-

- [1] *Soma Choudhury Vs. Gourab Choudhaury* [(2004) 13 SCC 462]
- [2] *Anjali Ashok Sadhwani Vs. Ashok Kishinchand Sadhwani* [AIR 2009 SC 1374]
- [3] *Vaishali Shridhar Jagtap Vs. Shridhar Vishwanath Jagtap* [2016 AIR (SC) 3584 = 2016(6) All M.R. 449]
- [4] *Sayali w/o Swapnil Kuber Vs. Swapnil Harischandra Kuber* [2014(1) Mh.L.J.584]

4. Considering the above, this application is allowed in terms of prayer clause "B" and HMP No.66/2017 shall stand transferred to the Court of learned Civil Judge, S.D. at Jalna. In the event of there being some other proceedings initiated by the wife against the husband and pending at Jalna, the husband would be at liberty to request the learned Courts in the proceedings to list all the matters on a single date so that he can attend the court proceedings in a single visit on a given date.

(RAVINDRA V. GHUGE, J.)