

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.6 OF 2018
(Neha @ Suvarna Parag Pawa Vs. Parag Prakash Pawar)

Mr.Suresh Pidgewar h/f Mr.N.L.Choudhari, Advocate for the applicant.
Mr.S.N.Suryawanshi, Advocate for the respondent.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 11/12/2018

PER COURT :

1. The applicant wife prays for transferring the Divorce Petition No.1329/2017 filed by the respondent/husband, from the Family Court, Pune to the Court of the learned Civil Judge, S.D. Dhule.

2. Submission is that after the marriage, the respondent started illtreating her. She was compelled to resign from her job at the office of the District Collector, Dhule so as to live with her husband in her marital home at Pune. A child is born from the said wedlock, who is residing with her. She was forced to resign her employment since the respondent gave an ultimatum that he would divorce her. She sacrificed her job so as to lead a happy married life.

3. Due to the harassment and illegal demands, she has filed a

case u/s 498-A of the IPC. The distance between Dhule and Pune is 500 kms. and an adult member has to accompany her for undertaking two over night journeys to attend the date at Pune with a small child and being a lady, she cannot keep her son away for 2 days while attending the hearing.

4. Reliance is placed upon the following judgments :-

- (i) Vennangot Anuradha Samir Vs. Vennangot Mohandas Samir- 2016 (1) Bom.C.R.250,
- (ii) Soma Choudhuri Vs. Gourab Choudhuri (2004) 13 SCC 462,
- (iii) Anjali Ashok Sadhwani Vs. Ashok Kishinchand Sadhwani, AIR 2009 SC 1374
- (iv) Vaishali Shridhar Jagtap vs. Shridhar Vishwanath Jagtap - 2016 AIR (SC) 3584
- (v) Sayali Swapnil Kuber Vs. Swapnil Harischandra Kuber- [2014(1) Mh.L.J. 584],
- (vi) Nilima Vs. Pavansingh - LEX (BOM)2011 9 193 and
- (vii) Shila Nitin Rajure Vs. Nitin Marotiappa Rajure - MCA No.184 of 2017 (Aurangabad Bench), dated 9.1.2018.

5. Learned Advocate for the husband submits that the wife is short tempered. She displays her temper on minor issues. She creates issues and keeps the atmosphere tensed up in the house. There are several allegations made by him in his application seeking a divorce in the matter. It is further submitted that the applicant

herself does not desire to continue with the marriage and hence she keeps on quarreling with the respondent and his family members.

6. I find that, in so far as comparative hardships are concerned, the applicant appears to suffer since, being a lady, an adult member of the family has to accompany her for attending the date at Pune. The child, who is of a tender age, may not be able to sustain her traveling for the proceedings. The law laid down by the Hon'ble Apex Court and various High Courts support the request of the applicant.

7. In view of the above, this application is allowed in terms of prayer clause "B" and the proceedings stand transferred to the learned Civil Judge, S.D. Dhule. The litigating sides shall appear in the said proceedings on 04/01/2019.

8. The concerned Court at Dhule would refer this matter to a trained Mediator at the District level in order to explore the possibility of saving this marriage. If such mediation fails, then the Court may proceed with the said proceedings on its own merits.

(Ravindra V.Ghuge, J.)