

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO. 28 OF 2017

BHAGYASHREE GANESH TRIMBAKE
VERSUS
GANESH SHIVLING TRIMBAKE

...
Advocate for Applicant : Shri Patil K.S. h/f Shri Pokale D.B.

...
CORAM : RAVINDRA V. GHUGE, J.
Dated: March 13, 2018
...

PER COURT :-

1. Heard the learned Advocate for the applicant.
2. Though the respondent / husband is served, neither an appearance is filed nor any reply has been tendered.
3. The applicant / wife prays for transferring HMP No. A-458/2016 from the Family Court, Thane to the Family Court at Aurangabad. It is stated in the petition that after the applicant was driven out of her marital home on pressing an unlawful demand of Rs.3,00,000/-, she returned to her parents' home at Aurangabad and started residing with them. One proceeding bearing No. PWDV - 660 of 2015, filed under the Protection of Women from Domestic Violence Act, 2005 is instituted at Aurangabad and the respondent attends the said hearings.

4. It is further stated that she was also assaulted by her husband and his close relatives, when she had attended the proceedings at the Family Court at Thane. The distance between Aurangabad and Thane is almost 300 kms. and it requires an overnight journey to attend the said proceedings. The applicant is 26 years' of age and an adult member of the family is required to accompany her whenever she has to attend the proceedings at Thane.

5. The Honourable Supreme Court in the matters of Sumita Singh vs. Kumar Sanjay [AIR 2002 SC 396], Soma Choudhury vs. Gourab Choudhary [(2004) 13 SCC 462], Mona Aresh Goel vs. Aresh Satya Goel [AIR 2000 SCW 2652], Anjali Ashok Sadhwani vs. Ashok Kishinchand Sadhwani [AIR 2009 SC 1374] and Vaishali Shridhar Jagtap vs. Shridhar Vishwanath Jagtap [AIR 2016 SC 3584] has concluded that in matters of transfer of proceedings, normally the convenience of the wife has to be kept in focus. In the event, the husband indicates serious difficulties and establishes his inability to travel to the place where the matter is to be transferred, on account of his work exigency or other compelling reason, the Court can always take a different view in the matter.

6. In the present case, the respondent / husband has not caused an appearance. He attends the Domestic Violence Case at Aurangabad and as such, the petition pending before the Thane Family Court could very well be transferred to Aurangabad with a liberty to the husband to pray for a common date in both the matters, so as to attend both the proceedings in a single trip to Aurangabad.

7. Considering the above, this application is allowed in terms of prayer clause 15-A and HMP No. A-458 of 2016 stands transferred to the Family Court at Aurangabad. The respondent / husband would be at liberty to pray for a common date in both the matters.

(RAVINDRA V. GHUGE, J.)

...

akl/d