

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.48 OF 2018
(Suchitra Ram Tayde Vs.Ram Gopalrao Tayde)

Mr.P.S.Shinde, Advocate for the applicant.
Mr.S.B.Kadu, Advocate for the respondent.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 31/08/2018

PER COURT :

1 By this application, the Applicant/ wife prays for transferring Petition A No.230/2017 from the Court of the learned Family Court, Aurangabad to the competent Court at Achalpur, Dist. Amravati.

2 The Applicant submits that she is presently residing with her parents at Achalpur, Dist. Amravati, after being deserted by the Respondent/ husband. The proceedings have been initiated by the Respondent at Aurangabad and she has to travel by the State Transport Bus to Aurangabad to attend the hearing in the matter. She is about 23 years of age and requires an adult member of the family to accompany her for safety. It takes almost an overnight journey to reach Aurangabad.

3 I have heard the submissions of the learned Advocates
for both the sides.

4 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 reasons, the Court can always take a different view in the matter.

5 Considering the above, this Miscellaneous Civil Application is allowed in terms of prayer clause “B” which reads as under:-

“The Petition A No.230/2017 pending before Family Court, Aurangabad may kindly be transferred to the competent Court at Achalpur, Dist.Amravati.”

6. The learned Advocates for the parties submit that they shall appear before the Court of the learned Civil Judge, Senior Division, Achalpur on 26/09/2018.

7. I have considered the pleadings of the parties and I find that if proper counselling is undertaken, this marriage could be saved. A girl child who is a about 3 years old is at issue and hence it would be necessary for the learned Court to initiate the process of counselling / meditation.

(Ravindra V.Ghuge, J.)

Kranti
Hansraj
Shekatkar

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by Kranti
Hansraj
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Date: 2018.09.05
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