

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.51 OF 2018
(Suverna w/o Milind Khadake Vs. Milind s/o Shivram Khadake)

Mr.A.A.Nimbalkar h/f Mr.S.V.Deshmukh, Advocate for the applicant.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 31/08/2018

PER COURT :

1. By this application, the applicant/wife prays for transferring the case bearing Petition No.1496/2017 from the Family Court, Pune to the Ld.Civil Judge, Senior Division, Bhoom, Dist.Osmanabad. It is stated that after the marriage took place on 07/07/2016, the respondent/husband started illtreating her. It is alleged that he has assaulted her and after she was driven out on 05/06/2017, she has started living with her aged parents at Bhoom.

2. The Applicant submits that she is presently residing with her parents at post Ileet, Tq.Bhoom, Dist.Osmanabad after being deserted by the Respondent/ husband. The proceedings have been initiated by the Respondent at Pune and she has to travel by the State Transport Bus or private vehicle to Pune to attend the hearing in the matter. She is about 26 years of age and requires an adult member of the

family to accompany her for safety. It takes almost an overnight journey to reach Pune.

3. 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.

4. None has caused an appearance on behalf of the respondent/ husband, despite opportunities.

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

"A) The proceeding bearing Petition No.1496/2017 pending

before the Family Court, Pune filed by the respondent u/s 13(1)(ia) of Hindu Marriage Act, 1955 may kindly be transferred to Ld.Civil Judge, Senior Division, Bhoom, Dist.Osmanabad."

6. The wife shall appear before the learned Court at Bhoom on 26/09/2018. A separate notice be issued by the Trial Court to secure the presence of the husband.

(Ravindra V.Ghuge, J.)

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