

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

MISC.CIVIL APPLICATION NO. 86 OF 2018

SAU ANUJA VIVEK ERANDE
VERSUS
VIVEK VITHALRAO ERANDE

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Advocate for the Applicant : Shri P.N.Nagargoje h/f Shri Thoke D.B.

Advocate for the Respondent : Shri Kadam Gajanan G..

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 23rd October, 2018

Per Court:

1 The Applicant/ wife seeks transfer of Hindu Marriage Petition No.A-33/2018 from the learned Family Court at Pune, to the learned Family Court at Nanded.

2 The contention is that though the Applicant and the Respondent have performed a love marriage and a daughter is born on 03.03.2015, the relatives of the husband started picking up quarrels on frivolous issues and ultimately, the Applicant was driven out of her marital home on 19.12.2017. Though it was a love marriage, the husband could not rescue the wife from such a situation.

3 The Applicant has preferred PWDVA Application No.30/2018 under the Protection of Women from Domestic Violence Act, 2005 and

Petition No.E-18/2018 under Section 125 of the Code of Criminal Procedure, which are pending before the concerned courts at Nanded. The Respondent/ husband attends the said proceedings at Nanded.

4 Reliance is placed upon the following judgments of the Honourable Supreme Court and of this Court :-

- (a) *Sumita Singh vs. Kumar Sanjay, (2001) 10 SCC 41 : AIR 2002 SC 396.*
- (b) *Mahadevi Mehtre vs. Gopal, 2015 (5) AIR Bom. 250.*
- (c) *Mona Aresh Goel vs. Aresh Satya Goel, 2000 (9) SCC 255 : AIR 2000 SCW 2652.*
- (d) *Ravinder Kaur vs. Hitinder Singh, AIR 2000 SC 3403 (2).*
- (e) *Rena Gautam vs. Vinod Gautam, AIR 2000 SC 3405 (1).*
- (f) *Soma Choudhury vs. Gourab Choudhaury (2004) 13 SCC 462.*
- (g) *Anjali Ashok Sadhwani vs. Ashok Kishinchand Sadhwani, AIR 2009 SC 1374.*
- (h) *Vaishali Shridhar Jagtap vs. Shridhar Vishwanath Jagtap, AIR 2016 SC 3584.*

5 It is submitted that the distance between Pune and Nanded is about 440 kilometers and the Applicant is required to undertake two overnight journeys to reach Pune and come back to Nanded. A three years old girl child cannot be kept away from the Applicant for such a long duration and an adult member of the family has to accompany her.

6 The learned Advocate for the Respondent/ husband relies

upon the affidavit in reply and opposes this application. It is stated that neither he nor his parents drove the Applicant out of the house. She herself deserted the Respondent. The Respondent is willing to pay travel charges of the Applicant. He is in private sector employment and it would not be possible for him to frequently avail of the leave to travel to Nanded.

7 I find that there are two proceedings, which are already instituted by the Applicant/ wife at Nanded and the Respondent/ husband attends the said proceedings. Comparative hardships would be more for the Applicant to travel to Pune with a small child and an adult member of the family, considering one way distance being 440 kilometers. The hardships of the Respondent/ husband could be reduced by permitting the posting of all three matters on the same date at Nanded so that he can attend the said three proceedings in a single visit.

8 Considering the law cited and the above recorded factors, this application is allowed in terms of prayer clause (A), which reads as under :-

"A) *By appropriate order, the Ld Family Court at Pune be directed to transmit the papers and proceedings of Hindu Marriage Petition No.A 33/2018 pending on the file of the 04th Family Court Pune to the Family Court Nanded at Nanded.*"

9 The litigating sides would appear before the concerned Court at Nanded on 26.11.2018. Normal notices need not be issued. The

Respondent would be at liberty to request the concerned courts at Nanded to post his matters on a common date so that he can attend the proceedings in a single visit.

10 Considering that the couple had entered into a love marriage and a girl child is born, I find from the proceedings that the differences between the two are not too much and the matter can be referred to a trained mediator at Nanded in order to save the marriage.

11 The learned Advocates for the respective sides submit that the parties are willing to opt for mediation proceedings and endeavour to save their marriage.

12 The learned Court at Nanded would, therefore, refer the proceedings to a trained mediator.