IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO. 129 OF 2018

SHUBHANGI W/O. MAHESH VAIDYA
VERSUS
MAHESH AANAD VAIDYA

Advocate for Applicant : Mr. D.A. Madke h/f. Mr. Girish Nagori.

CORAM : RAVINDRA V. GHUGE, J.
DATE : 19th November, 2018

PER COURT :

1. The applicant/wife prays for transferring H.M.P. No. PA 1266/2017, from the Family Court at Pune to the Court of the learned Civil Judge, Senior Division, Jalgaon.

2. The applicant contends that after her marriage on 30/05/2017, the respondent/husband started harassing her. She was driven out of her marital home. She received a legal notice on 31/10/2017, as the respondent/husband had initiated the proceedings before the Family Court at Pune, seeking restitution of conjugal rights. On account of her illtreatment, she has filed a complaint under the Protection of Women from Domestic Violence Act, 2005 and has also preferred a proceeding under Section 125 of the Code of Criminal Procedure at Jalgaon. The respondent attends the proceedings at Jalgaon.

3. It is further stated that the applicant is presently residing with her parents at Jalgaon. The distance is more than 350 k.m. and an adult member of family has to travel with her to attend the proceedings before the Family Court at Pune. It requires two over nights journey for attending the proceedings and returning back to the Jalgaon.

4. Reliance is placed upon the following judgments :

1. Vaishali Shridhar Jagtap Vs. Shridhar Vishwanath Jagtap [AIR 2016 SC 3584]

2. Soma Choudhury Vs. Gourab Choudhaury [2004 (13) SCC 462]

3. Mona Aresh Goeal Vs. Aresh Satya Goel [AIR 2000 SC 3512 (1)]

4. Sumita Singh Vs. Kumar Sanjay and another [AIR 2002 SC 396]

5. The respondent was served by the applicant in view of the liberty granted by this Court (Coram : Sunil P. Deshmukh, J.) along with Court notice. A service affidavit has been filed indicating that the respondent refused to accept the envelope containing the case papers and the notice of the applicant's advocate. The original envelope along with the case papers has also been placed on record. In addition to such service, the respondent has been served with Court notice issued on 25/07/2018. No appearance is entered

either in person or through an advocate.

6. Considering the above and the law applicable, it is obvious that when the respondent/husband attends the two proceedings initiated by the applicant/wife in the Courts at Jalgaon, the petition preferred by the respondent before the Family Court at Pune could also be transferred to Jalgaon. Considering the hardships and inconvenience being suffered by the applicant, in as much as, the three proceedings could be posted on common dates before the Courts at Jalgaon which would enable the respondent to attend the said proceedings in a common visit to Jalgaon, this application can be allowed.

7. Hence, this application is allowed. H.M.P. No. PA 1266/2017, shall stand transferred from the Family Court at Pune to the Court of the Learned Civil Judge, Senior Division, Jalgaon.

8. The applicant shall appear in the said proceedings on 10/12/2018. The concerned Court would issue notice to the respondent. Needless to state, the respondent is at liberty to request the said Court to post the cases on such dates on which the other two matters preferred by the applicant/wife are posted for hearing, so that he could attend all the three cases in a

common visit to Jalgaon.

9. As I find that the discord between the couple is not too serious or grave, the learned Civil Judge, Senior Division at Jalgaon, could consider referring the said case to a trained Mediator, so as to explore the possibilities of saving the marriage.

(RAVINDRA V. GHUGE, J.)

S.P.C.