

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

MISC.CIVIL APPLICATION NO. 148 OF 2018

**SHUBHANGI SACHIN GHADGE
VERSUS
SACHIN BABASAHEB GHADGE**

...
Advocate for the Applicant : Shri S.P. Dhoble

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 19th NOVEMBER, 2018.

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PER COURT :

1. Despite service of Court notice, none appears for the respondent - husband.

2. On 20/08/2018, this Court had passed the following order :-

1. *By this application, the applicant wife seeks to invoke Section 24 of the Code of Civil Procedure seeking transfer of petition No. A 113 of 2018, filed by the respondent husband before the learned Family Court Solapur, to the learned Family Court at Osmanabad.*

2. It is stated that the wife has already preferred Criminal Misc. Application 13 of 2018 before the learned CJM, at Osmanabad under the Domestic Violence Act. The respondent husband attends these proceedings at Osmanabad.

3. Reliance is placed upon the following judgments:

(i) Vennangot Anuradha Samir Vs. Vennangot Mohandas Samir [2016 (1) Bom.C.R.250],

(ii) Soma Choudhury Vs. Gourab Choudhaaury [(2004) 13 SCC 462],

(iii) Anjali Ashok Sadhwani Vs. Ashok Kishinchand Sadhwani [AIR 2009 SC 1374],

(iv) Vaishali Sridhar Jagtap Vs. Shridhar Vishwanath Jagtap [AIR 2016 SC 3584],

(v) Sayali Swapnil Kuber Vs. Swapni Harischandra Kuber [2014 (1) Mh.L.J. 584],

(vi) Nilima Vs. Pavansingh [2011 (4) Mh.L.R. 537],

(vii) Sushila Nitin Rajure Vs. Nitin Marotiappa Rajure (MCA No.184 of 2017 Aurangabad Bench, dated 9.1.2018).

4. *Issue notice to the respondents, return able on 28.9.2018. Until the returnable date, the Family Court Solapur would adjourn Petition No. A113 of 2018.*

5. *Copies for issuance of notice shall be supplied on / or before 27.8.2018, failing which the ad interim protection granted today shall stand vacated without reference to the Court on 28.8.2018."*

3. The distance between the Districts Solapur and Osmanabad though is merely 65 kms., the fact remains that the applicant-wife has to be accompanied by an adult member of her family so as to attend the said proceedings. The respondent-husband is participating in Criminal Misc. Application No.13/2018 instituted by the applicant-wife before the Osmanabad Court under the Protection of Women from Domestic Violence Act, 2005.

4. The law laid down in the above referred cases would indicate that comparative hardships and inconvenience has to be considered. Normally the difficulties faced by the wife are to be given greater importance unless the respondent husband

can cite reasons which would preclude his travel outside his place of work. Pressing work exigencies or other serious difficulties, if posted by the husband, could be considered in cases of transfer applications. However, the respondent husband has chosen not to appear in this matter.

5. In view of the above, this application is allowed in terms of prayer clause "B" which reads as under :-

"B. By appropriate order, the proceeding of Petition No.A-113/2018 filed by respondent pending in court of Ld. Family Court, Solapur be transferred to Family Court, Osmanabad or any other appropriate court at Osmanabad for the purpose necessary orders be issued."

6. The applicant shall appear in the said proceedings at Osmanabad on 07/12/2018. The learned Court shall issue notice to the respondent.

7. The respondent is at liberty to seek a common date in all the matters at Osmanabad so that he could attend the said cases in common visits.

(RAVINDRA V. GHUGE, J.)

shp/-