

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO. 143 OF 2018

SHIVANI RAMESHWAR KANGULE
VERSUS
RAMESHWAR SHESHRAO KANGULE AND ANOTHER

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Advocate for Applicant : Smt. Bhandari P.A.
h/f Shri Bhandari Anand P.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: November 22, 2018

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PER COURT :-

1 Despite service of Court notice on the respondents, no appearance has been entered.

2 While issuing notice on 1.8.2018, this Court has granted ad-interim relief in terms of prayer clause (C).

3 The applicant / wife prays for transferring HMP No.8 of 2018 filed by respondent No.1/ husband, from Hingoli to Nanded. It is submitted that the applicant got married on 18.2.2013. A son has been born on 19.9.2015. Due to the physical and mental harassment and on being driven out of the marital home, the applicant has started residing with her parents at Nanded along with her son. A case under the Protection of Women from Domestic Violence Act, 2005 bearing No. 150 of 2017 has been filed by her on 12.12.2017 at Nanded. The respondent

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/ husband attends the said proceedings by travelling to Nanded.

4 The applicant places reliance upon the following judgments:-

- (i) Vennangot Anuradha Samir Vs. Vennangot Mohandas Samir- 2016 (1) Bom.C.R.250,
- (ii) Soma Choudhuri Vs. Gourab Choudhuri (2004) 13 SCC 462,
- (iii) Anjali Ashok Sadhwani Vs. Ashok Kishinchand Sadhwani, AIR 2009 SC 1374
- (iv) Vaishali Shridhar Jagtap vs. Shridhar Vishwanath Jagtap - 2016 AIR (SC) 3584
- (v) Sayali Swapnil Kuber Vs. Swapnil Harischandra Kuber- [2014(1) Mh.L.J. 584],
- (vi) Nilima Vs. Pavansingh - LEX (BOM)2011 9 193 and
- (vii) Shila Nitin Rajure Vs. Nitin Marotiappa Rajure - MCA No.184 of 2017 (Aurangabad Bench), dated 9.1.2018.

5 It appears that the applicant has to be accompanied by an adult member of the family for attending the proceedings at Hingoli. It is stated that the child cannot be left at home and hence he also has to travel with the wife. Per contra, the husband travels to Nanded for attending the case filed by the applicant. Considering the law laid down in the above cited cases and keeping in view the comparative hardships, I find that this application deserves to be accepted.

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6 In view of the above, this application is allowed. HMP No.8 of 2018 shall stand transferred from the Court of the learned Jt. Civil Judge S.D. Hingoli to the Court of the learned Civil Judge S.D. Nanded. The applicant shall appear before the Court at Nanded on 7.12.2018. The concerned Court shall issue notice to the respondent. The respondent / husband is granted the liberty to pray for posting both the proceedings at Nanded before the two Courts, on the same date so as to make it convenient for him to attend the court proceedings on common dates.

7 The concerned Court at Nanded would consider referring the matter to a trained Mediator to explore the possibility of saving a marriage.

(RAVINDRA V. GHUGE, J.)

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