

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.139 OF 2017
(Ashwini Ganesh Jagtap Vs. Ganesh Tulsidas Jagtap)

Mr.H.P.Randir h/f Mr.V.P.Patil, Advocate for the applicant.
Mr.V.R.Jain (Kamboj), Advocate for the respondent.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 17/12/2018

PER COURT :

1. The applicant wife seeks transfer of petition No.A-1756/2014 from the Family Court, Bandra to the Court of the learned Civil Judge, Sr.Division, Bhusawal.

2. Contention is that the respondent and his family members started demanding dowry. After a female child was born, who is now of 1 ½ years of age, she was harassed and assaulted. She has filed an application u/s 12 of the Protection of Women from Domestic Violence Act, 2005 before the J.M.F.C. at Raver. The distance between Bhusawal and Bandra is about 490 kms. The applicant has to undertake two overnight journeys and an adult member has to accompany her. Her 1½ year old daughter who was 11 months old when this application was filed, cannot remain away from her.

3. The applicant relies upon the following judgments in support of her case :-

- (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.

4. The learned Advocate for the respondent/husband has strenuously opposed the application. Contention is that false allegations have been levelled. The applicant does not desire to have the respondent's parents in the house. She speaks in an insulting manner. The mediation at the High Court level has failed.

5. I have considered the contentions of the litigating sides in the light of the judgments cited. While assessing the comparative hardships, I find that it would be extremely difficult for the applicant to carry her 1½ year old daughter and one adult member of the

family to Bandra requiring 2 overnight journeys and some accommodation in Bandra as there would be no place for catering to the needs of a lady and the child. The husband would have to attend the proceedings before the J.M.F.C. at Raver which is at a distance of 30-40 kms from Bhusawal.

6. In view of the above, this application is allowed. Petition No.A-1756/2016 stands transferred to the Court of the learned Civil Judge, Sr.Dn. Bhusawal. The litigating sides would appear before the said Court on 07/01/2019. The respondent is at liberty to request the learned J.M.F.C. to post the proceedings at Raver on the same day when the other proceeding is posted at Bhusawal so that he can participate in both the proceedings on common dates.

(Ravindra V.Ghuge, J.)