

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.180 OF 2018
(Minal w/o Pravesh Sharma Vs. Pravesh Rameshchandra Sharma)

Mr.P.B.Waghmare, Advocate for the applicant.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 24/09/2018

PER COURT :

1. The applicant/wife prays for transferring HMP No.217/2018 instituted by the respondent/husband before the learned Civil Judge, Sr.Division, Jalgaon, to the Court of the learned Civil Judge, Sr.Division, at Ahmednagar.

2. It is submitted that the applicant was driven out of her marital home on account of an exorbitant demand of dowry. She was made to suffer the atrocious behaviour of the respondent and his family members. A male child of about 10 months born out of the wedlock is residing with the applicant who is presently residing in her parental home at Ahmednagar.

Considering her age and her 10 months child, it is difficult for

the applicant to travel to Jalgaon for attending the Court matters.

3. Reliance is placed upon the following judgments :-

[i] Sumita Singh vs. Kumar Sanjay [AIR 2002 SC 396],

[ii] Soma Choudhury vs. Gourab Choudhury [(2004) 13 SCC 462]

[iii] Mona Aresh Goel Vs. Aresh Satya Goel [AIR 2000 SCW 2652]

[iv] Anjali Ashok Sadhwani Vs. Ashok Kishinchand Sadhwani [AIR 2009 SC 1374]

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

4. The Hon'ble Supreme Court, in the above matters, has concluded that in matters of transfer of proceedings, normally the convenience of the wife has to be kept in focus. In the event, the husband indicates serious difficulties and establishes his inability to travel to the place where the matter is to be transferred, on account of his work exigency or other compelling reason, the Court can always take a different view in the matter.

5. Considering the above, this Misc.Civil application is allowed in terms of prayer clause "C", which reads as under :-

"The proceeding pending before the Civil Judge, Senior

Division, Jalgaon i.e. HMP No.217/2018 may kindly be transferred to the Court of the Ld. Civil Judge, Senior Division at Ahmednagar.”

(Ravindra V.Ghuge, J.)

Kranti
Hansraj
Shekatkar

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Krant Hansraj
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Date: 2018.09.25
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