

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.179 OF 2018

VANDANA CHANDAN KUMAR SIDHARTHA
VERSUS
CHANDAN KUMAR SIDHARTHA MARUTI MISHRA

...

Advocate for Applicants : Shri Kulkarni Abhishek h/f Shri Sancheti R.R.
Advocate for Respondents : Shri Gangakhedar S.S.

...

CORAM : RAVINDRA V. GHUGE, J.
Dated: December 19, 2018

...

PER COURT :-

1. I have heard the learned Advocates for the respective sides.
2. While issuing notice on 24.9.2018, I have passed the following order:-

"1. *The applicant/wife prays for transferring Petition No.A-99/2018 instituted by the respondent/husband in the Family Court at Nanded, to the Family Court at Pune.*

2. *It is submitted that after the applicant was driven out of her marital home and in view of the details about the conduct of the respondent mentioned, the applicant started residing in her parental home. The distance between Nanded and Pune is about 450 kms. Two*

children born out of the wedlock are residing with the applicant. The details of the illness of one of the children as well as of the applicant are placed on record.

3. *The applicant places reliance 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. *Issue notice to the respondent, returnable on 26/10/2018. Until further orders, the proceedings before the Family Court at Nanded in Petition No.A-99/2018 shall be adjourned.*

5. *Copy of the application/paper book for issuance of notice shall be supplied by the applicant on or before 01/10/2018, failing which, this application shall stand rejected without reference to the Court on 03/10/2018."*

3. *Learned Advocate for the respondent has strenuously opposed this application. He contends that the applicant is short tempered, the influence of her parental relatives is creating problems in the marriage. This application is filed only to harass the respondent. The facts stated*

in the petition filed before the Family Court at Nanded are shocking. Considering the contentions set out in paragraph Nos.5 to 10, the respondent cannot continue with the marriage as no male person would agree to cohabit with the applicant after reading the said contentions.

4. I find from the record that both the children are living with the applicant, who is at a distance of about 450 kms. from Nanded. One child is suffering from ailments and requires continued medical attention. Comparative hardships are severe in so far as the applicant is concerned.

5. I, therefore, find that if the petition filed by the respondent at Nanded is transferred to Pune and is expedited, the marital discord between the parties, might as well, be adjudicated upon expeditiously.

6. In view of the above, this application is allowed. Petition No. A-99/2018 shall stand transferred to the Family Court at Pune. Parties shall appear before the said Court on 11.1.2019. The learned Family Court would endeavour to decide the said proceedings on/or before 31.12.2019.

(RAVINDRA V. GHUGE, J.)

...