

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.159 OF 2017
(Harpreet Kaur Gurpreet Singh Chahal Vs. Gurmeet Singh Chahal)

Mr.S.V.Gundre, Advocate for the applicant.
Mr.P.S.Paranjape, Advocate for the respondent.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 09/02/2018

PER COURT :

1. The applicant/wife prays for transferring the case bearing PA No.153/2017 from the Family Court, Aurangabad to the Family Court at Pune. It is stated that after the marriage took place on 14/02/2015, the respondent/husband started illtreating her. It is alleged that he has assaulted her and after she was driven out in Sept.2015, she has started living with her aged parents at Pune. The abuses are said to have continued even through telephonic talk.

2. It is further contended that she has been threatened that if she comes to Aurangabad, she would be beaten up. A police complaint has also been filed and out of serious apprehension and fear, the applicant is unable to visit Aurangabad. This has resulted in the Family Court passing an order of No W.S., No Evidence and No Cross, all within a span of 5 months in the proceedings and the matter was

posted for final arguments on 03/10/2017.

3. It is submitted that the applicant has no source of income and is presently residing with her aged parents, who are suffering from various ailments. Her only brother has been detected with brain tumour. Nobody can accompany her for attending the dates at Aurangabad and it takes an overnight journey to reach Aurangabad, attend the proceedings and then go home to Pune as it is a total journey of 450 kms.

4. Learned Advocate for the respondent/husband has denied all the allegations made by the applicant. It is stated that he had never abused her, never beat her and never insulted her. No threats have been held out. There is no reason for the applicant to fear coming to Aurangabad. Costs of litigation and the journey to visit Aurangabad can be paid by the husband.

5. The Hon'ble Apex Court, in the matter of Sumita Singh Vs. Kumar Sanjay [AIR 2002 SC 396], Soma Choudhury Vs. Gourab Choudhury, [(2004) 13 SCC 462], Anjali Ashok Sadhwani Vs. Ashok Kishinchand Sadhwani [AIR 2009 SC 1374] and Mona Aresh Goel Vs. Aresh Satya Goel [2000(9) SCC 255], has crystallized the Law that

when it comes to issues of transfer of proceedings, the convenience of wife has been given primary importance. It is only when the husband can post reasons of being unable to attend Court proceedings outside his town due to work pressure or exigencies, that the case can be looked at differently.

6. In the instant case, the respondent is said to be a trader and operates a business for which he has to travel to several places. The applicant/wife has already filed a police complaint in the Aurangabad Police Station with regard to the threats, abuses and physical cruelty. Serious apprehension is voiced with regard to her safety if she visits Aurangabad. Her brother is suffering from brain tumour and parents are aged with multiple health issues. She finds it scary to travel alone and come to Aurangabad.

7. Considering the above, I find that it would be appropriate to transfer the proceedings from the Aurangabad Family Court to the Family Court at Pune.

8. As such, this petition is allowed in terms of prayer clause "A". The proceedings bearing PA No.153/2017 shall be transferred to the Family Court at Pune. Learned Advocates for the respective sides

graciously submits that they would appear before the Family Court at Pune on 14/03/2018 at 11.00 a.m. Formal notices need not be issued by the Family Court at Pune. All contentions of the litigating sides on the various applications pending as well as on the merits of the matter, are kept open.

9. By consent of the parties, the Family Court would make an endeavour to decide the said proceedings, as expeditiously as possible and preferably on or before 21/10/2018.

(RAVINDRA V. GHUGE, J.)