

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICAITON NO. 202 OF 2018

ASHWINI AKASH MANCHALWAD
VERSUS
AKASH RAJANDRA MANCHALWAD

Advocate for Applicant : Mr. V.B. Dhage.
Mr. Akash R. Manchalwad – in person, as a Respondent.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 07th December, 2018

PER COURT :

1. When notice was issued on 08/10/2018, I had passed the following order :

“1. The applicant wife seeks transfer of Petition A-99/2018, filed by the respondent / husband, from the Family Court, Aurangabad to the Family Court, Nagpur.

2. The applicant is residing with her parents after being driven out of the marital home. She was harassed and tortured. An adult member of the family has to accompany her to attend the Court proceedings at Aurangabad.

3. Reliance is placed 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 Harishchandra 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. *Issue notice to the respondent, returnable on 7.12.2018. Until then the trial Court will adjourn Petition A-99/2018.*

5. *copy of the paper book for issuance of notice shall be supplied on/or before 22.10.2018, failing which this application shall stand rejected without reference to the Court on 23.10.2018.”*

2. Today, the respondent/husband has appeared in person and

informs that the learned Judge, Family Court, Aurangabad, has reserved the matter for judgment. He points out from the certified copy of the roznama that on 29/10/2018, the Family Court adjourned the matter at the stage of judgment, after receiving a copy of the order of this Court dated 08/12/2018. I have perused the certified copy of the roznama and have compared it with the Photostat copy. The certified copy is returned to the respondent/husband and the Photostat copy is taken on record (six pages) and marked as 'X' collectively for identification.

3. In matters of transfer under Section 24 of the Code of Civil Procedure, the convenience of the wife has to be seen. If the husband can assign reasons which would convince the Court that he is unable to travel to the place of transfer due to his job assignment/work exigencies, the transfer may not be allowed.

4. Since in the instance case, the proceeding No. A-99/2018, is sought to be transferred to Nagpur when the proceeding is reserved for judgment as per the statement of the respondent/husband in person, no purpose would be served by transferring the said proceeding. In my view, orders of transfer of proceedings are not to be passed at the stage of judgment.

5. In view of the above, this application does not deserve to be considered. The same, is therefore, dismissed. Needless to state, the

ad-interim relief dated 08/10/2018, granted in this matter stands vacated. The parties are at liberty to act on the printout copy of this order obtained from the official website of the Bombay High Court.

(RAVINDRA V. GHUGE, J.)

S.P.C.