

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.206 OF 2018

POONAM GOVIND BAGADE  
VERSUS  
GOVIND VASANTRAO BAGADE

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Advocate for Applicant : Shri Kasar Rajendra S.  
Advocate for Respondent : Shri Kale Y.D. h/f Shri Gangakhedkar S.S.

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CORAM : RAVINDRA V. GHUGE, J.  
Dated: December 13, 2018

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PER COURT :-

1. On 15.10.2018, this Court had passed the following order:-

"1 The Applicant/ wife seeks transfer of HMP No.20/2018 pending before the Civil Judge, Senior Division, Bhoom to the Family Court at Ahmednagar.

2 It is submitted that after some days of the marriage, the Respondent/ husband and his relatives started ill-treating and harassing the Applicant/ wife for one reason or the other. The Applicant/ wife was compelled to leave the marital home and since then, the Applicant is residing along with her parents. The Applicant has to undertake a journey of more than 150 kilometers to attend the proceedings at Bhoom along with an adult member of the family.

- 3 Reliance is placed upon the following judgments :-

- (a) Sumita Singh vs. Kumar Sanjay, (2001) 10 SCC 41 : AIR 2002 SC 396.
- (b) Mahadevi Mehtre vs. Gopal, 2015 (5) AIR Bom. 250.
- (c) Mona Aresh Goel vs. Aresh Satya Goel, 2000 (9) SCC 255: AIR 2000 SCW 2652.
- (d) Ravinder Kaur vs. Hitinder Singh, AIR 2000 SC 3403 (2).
- (e) Rena Gautam vs. Vinod Gautam, AIR 2000 SC 3405 (1).
- (f) Soma Choudhury vs. Gourab Choudhary (2004) 13 SCC 462.
- (g) Anjali Ashok Sadhwani vs. Ashok Kishinchand Sadhwani, AIR 2009 SC 1374.
- (h) Vaishali Shridhar Jagtap vs. Shridhar Vishwanath Jagtap, AIR 2016 SC 3584.

4 Issue notice to the Respondent returnable on 07.12.2018.

5 Until then, the Trial Court would adjourn HMP No.20/2018.

6 The copy of the application paper book shall be supplied for issuance of notice, as well as, office objections, if any, shall also be removed, on or before 25.10.2018, failing which, this application shall stand rejected without reference to the Court on 26.10.2018."

2. Learned counsel for the respondent / husband has strenuously opposed this application. It is submitted that the applicant is seeking a transfer only to harass the respondent. There is no reason to transfer the proceedings. The father of the applicant has carried her away and a

false case is filed under Section 498-A of the Indian Penal Code in the police station at Ahmednagar.

3. It appears that the applicant has preferred a proceeding for seeking dissolution of the marriage at Ahmednagar. A complaint is also filed with Tophkhana Police Station, Ahmednagar. The husband attends the proceedings filed by the wife at Ahmednagar.

4. In view of the above, this application is allowed. HMP No.20 of 2018 shall stand transferred to the Family Court at Ahmednagar. The litigating sides shall appear before the Family Court on 21.1.2019, when the proceedings filed by the wife is posted for hearing in the same Family Court at Ahmednagar. The respondent / husband is at liberty to request the Family Court to post the proceedings on the common dates, so that he can attend to the proceedings in the single visit at Ahmednagar.

( RAVINDRA V. GHUGE, J. )

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