

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

MISC.CIVIL APPLICATION NO. 164 OF 2017

ROHINI AJAY BIRADAR
VERSUS
AJAY GOVINDRAO BIRADAR

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Advocate for the Applicant : Smt.M. D. Thube-Mhase i/by Lex Aquila.
Advocate for the Respondent : Shri H.B.Nandgawale h/f Shri Sakolkar
Vijay G..

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 10th October, 2018

Per Court:

1 The Applicant/ wife seeks transfer of Hindu Marriage Petition No.807/2016 from the court of the learned Civil Judge, Senior Division, Pune to the court of the learned Civil Judge, Senior Division, Nilanga, District Latur.

2 It is submitted that after the marriage was solemnized on 23.05.2013, the Applicant underwent harassment at the hands of the Respondent/ husband and his family members. The Applicant has also preferred RCC No.131/2016 under Section 498-A of the Indian Penal Code before the court at Nilanga and M.A. No.226/2016 under Section 12 of the Protection of Women from Domestic Violence Act, 2005 at Nilanga.

The Respondent/ husband attends the hearings in these two cases at Nilanga and as such, if the petition filed by the husband is transferred to Nilanga, he can attend all the said proceedings in a single visit to Nilanga.

3 It is further stated that the distance between Nilanga and Pune is about 300 kilometers. The Applicant's father is a heart patient. When the husband travels to Nilanga to attend two proceedings filed by the Applicant, no inconvenience would be caused to him if the marriage petition is transferred to Nilanga.

4 The learned Advocate for the Respondent/ husband has opposed this application contending that the relatives of the Applicant/ wife have been constantly threatening the Respondent/ husband. Certain complaints have been lodged by him with reference to such threats. He is willing to pay traveling expenses to the Applicant and one relative, for the visits undertaken to Pune.

5 Considering the contentions of the parties as recorded above, I find that this issue is covered by 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.*

6 Since the Respondent/ husband attends two proceedings initiated by the wife at Nilanga, I do not find that he would be put to any further hardship if the marriage petition is transferred from Pune to Nilanga. He can request the court to post all these matters on a common date so that he can participate in all these three matters in a single visit to Nilanga. Per contra, if the Applicant/ wife is to undertake a journey to Pune, an adult member of her family will have to accompany her considering that it will take two overnight journeys for travelling to Pune and returning back to Nilanga. The hardships that the Applicant/ wife would suffer are more in comparison to the hardships that the Respondent/ husband will have to suffer.

7 In view of the above, this Miscellaneous Civil Application is allowed in terms of prayer clause B, which reads as under :-

"B) *This Honourable Court may be pleased to transfer the H.M.P. No.807/2016 filed before the learned Civil Judge Senior Division, Pune to the Court of the learned Civil Judge Senior Division, Nilanga and for that purpose issue necessary orders.*"

8 By the consent of the parties, the litigating sides would appear before the concerned Court at Nilanga on 22.10.2018. Formal notices are not necessary. The Respondent/ husband is at liberty to request the concerned Court at Nilanga to post these three proceedings between the parties on the same date so that he can attend these proceedings in a single visit to Nilanga.

9 While hearing this matter, I find that the differences between the husband and the wife are not such that there would not be a resolution to such disputes. If the matter is referred to the mediator, there is a possibility that this marriage could be saved. The concerned Court at Nilanga, on transfer of the marriage petition, would consider to refer this matter to a trained mediator with the hope of saving this marriage.