

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO. 185 OF 2017

ARCHANA SATYAJIT CHAVAN
VERSUS
SATYAJIT SHASHIKANT CHAVAN

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Advocate for Applicant : Shri Patil Indrale A.V.
Advocate for Respondent : Shri Bhise R.D. h/f Shri Jadhav N.L.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: February 26, 2018

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PER COURT :-

1. By this application, the applicant / wife prays for transferring HMP No.69 of 2016 from Omarga to Latur which is at a distance of about 80 kms. It is stated that after the wife was ill-treated and driven out of the marital home, she has started residing with her parents at Latur. The respondent / husband has initiated the proceedings at Omarga. The applicant has to travel to Omarga for the court proceedings and an adult member of the family has to accompany her for her safety.

2. Learned counsel for the respondent / husband has opposed this application. Contention is that though the respondent is jobless and has no income, he would arrange to pay for the travelling expenses of the wife from Latur to Omarga.

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3. The Honourable Supreme Court in the matters of Sumita Singh vs. Kumar Sanjay [AIR 2002 SC 396], Soma Choudhury vs. Gourab Choudhary [(2004) 13 SCC 462], Mona Aresh Goel vs. Aresh Satya Goel [AIR 2000 SCW 2652], Anjali Ashok Sadhwani vs. Ashok Kishinchand Sadhwani [AIR 2009 SC 1374] and Vaishali Shridhar Jagtap vs. Shridhar Vishwanath Jagtap [AIR 2016 SC 3584], has concluded that in matters of transfer of proceedings, normally the convenience of the wife has to be kept in focus. In the event, the husband indicates serious difficulties and establishes his inability to travel to the place where the matter is to be transferred, on account of his work exigency or other compelling reason, the Court can always take a different view in the matter.

4. Considering the above, this application is allowed in terms of prayer clause (B).

(RAVINDRA V. GHUGE, J.)

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