IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO. 169 OF 2017

ANITA MADHUSUDHAN NIDHANE
VERSUS
MADHUSUDHAN NATTHUJI NIDHANE
...
Advocate for Applicant : Smt. Zaware Suvarna M.
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CORAM : RAVINDRA V. GHUGE, J.
Dated: February 12, 2018
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PER COURT :-

1. The petitioner / wife prays for transferring HMP No.146 of 2016 from the Family Court, Amravati to the Court of the learned Civil Judge S.D. Shrirampur.

2. Despite service of Court notice, the respondent / husband has not caused an appearance.

3. The grievance of the petitioner / wife is that after she was deserted she has returned to her parental home at Shrirampur. A daughter of about 4 years of age born out of the said marriage is residing with her. The distance between Shrirampur and Amravati is about 430 kms. It takes an overnight journey to attend the proceedings at Amravati and an adult member of the family has to travel with her since it consumes two days. The daughter cannot be

left at home during the absence of two days of the applicant. Criminal Case No.467 of 2015 has been instituted at Shrirampur and the respondent / husband visits Shrirampur for attending the said case. As such, the marriage petition can also be transferred to Shrirampur.

4. The Honourable Apex Court, in 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 the 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.

5. Considering the above, this Application is allowed in terms of prayer clause (B), which reads as under:-

> "(B). The Hindu Marriage Petition No.146/2016 may kindly be transferred from the family court of Amravati to the Civil Judge Senior Division, Shrirampur."

6. The respondent / husband would be at liberty to request the Court at Shrirampur to post this matter on the same day on which he attends the criminal proceedings so as to attend both these cases in a single trip to Shrirampur.

(RAVINDRA V. GHUGE, J.)

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