

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO. 214 OF 2017

MANAVI AKASH KHIYANI
VERSUS
AKASH GOVINDKUMAR KHIYANI

Advocate for Applicant : Ms. M.U. Kakade
h/f. Ms. M.D. Thube-Mhase.
Advocate for Respondent : Mr. A.T. Jadhavar.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 20th March, 2018

PER COURT :

1. Learned counsel for the respondent submits, on instructions, that the allegations that were made against the petitioner in this Court on 26/02/2018, were based on incorrect and insufficient information. The respondent tenders an apology in this Court and pleads for pardon and submits that no such allegations would ever be made against the petitioner. Learned counsel for the petitioner graciously accepts the apology and submits that the respondent be pardoned.

2. By this application, the applicant/wife prays for transferring H.M.P. No. 28/2017, from the Court of the learned Civil Judge (Senior Division), Kolhapur, to the Court of the learned Civil Judge (Senior Division),

Ahmednagar. It is stated that after she was driven out from her matrimonial home, she had to go back to her parental home at Ahmednagar. She has to undertake a journey to Kolhapur for attending the Court proceedings, which is a one day's journey. Her aged father who suffered a heart attack, may have to accompany her to Kolhapur. The distance is about 380 k.m. in between Kolhapur and Ahmednagar.

3. Learned counsel for the respondent/husband has resisted this petition and submits that he is willing to pay traveling expenses, if the applicant/wife travels to Kolhapur.

4. The Hon'ble Supreme Court in the matters of Sumita Singh Vs. Kumar Sanjay [AIR 2002 SC 396], Soma Choudhury Vs. Gaurab 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 exigencies or other compelling reasons, the Court can always take a different view in the matter.

5. In the instant case, the allegations appearing from the record are that the applicant was ill-treated for not delivering a child and was also harassed for obtaining her consent to enable the respondent to marry for the second time. There is also an allegation that the respondent is habituated to liquor.

6. Though, this Court is not going into these allegations, the fact remains that the respondent attends a proceeding filed by the applicant/wife under the Protection of Women from Domestic Violence Act, 2005, at Ahmednagar. In this situation, the respondent who is an employee in a private Industry in Kolhapur, can attend both the proceedings on the same day at Ahmednagar.

7. In the light of the above, this application is allowed in terms of prayer clause 'C'. Liberty is granted

to the respondent to pray for a common date in both the matters before the said Court, so as to attend both the proceedings in Ahmednagar in a single trip.

(RAVINDRA V. GHUGE, J.)

S.P.C.