

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.216 OF 2017
(Shilpa w/o Sandeep Patil Vs. Sandeep s/o Sursh Patil)

Mr.A.M.Gholap, Advocate for the applicant.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 09/02/2018

PER COURT :

1. Though the respondent/husband has been served with Court notice, no appearance has been entered either through an Advocate or in person.
2. By this application filed u/s 24 of the CPC, the applicant /wife prays that HMP No.A-126/2017, filed by the husband in the Family Court at Akola, be transferred to the Court of the learned Civil Judge, Sr.Dn. at Bhusawal. After she was deserted, she is residing with her parents at Bhusawal which is a distance of about 175 kms. from Akola. Considering the distance and the time required to attend the court proceedings, an adult male member is required to accompany the applicant. There are 4 different proceedings initiated by the wife against the husband in the Courts at Bhusawal and the husband visits Bhusawal to attend to the said proceedings.

3. The Hon'ble Apex Court in the matter of 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 to be 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.

4. Considering the above, this application is allowed in terms of prayer clause "B" and HMP No.A-126/2017 shall stand transferred to the Court of the learned Civil Judge, S.D. at Bhusawal. The applicant volunteers to appear before the concerned Court at Bhusawal on 09/03/2018. The learned Court shall, therefore, issue formal notice to the respondent/husband by recording the presence of the wife in the said proceedings on 09/03/2018.

5. Needless to state, the respondent/husband would be at liberty to request the concerned Court to post the said case on such dates on which the other matters at Bhusawal would be posted for the sake of convenience of the parties.

(RAVINDRA V. GHUGE, J.)