

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.233 OF 2017  
(Shital @ Hema Umesh Pawar Vs. Umesh Prataprao Pawar)

Mr.M.R.Sonawane, Advocate for the petitioner.  
None for the respondent.

( CORAM : RAVINDRA V. GHUGE, J.)

DATE : 14/03/2018

PER COURT :

1. By this application, the applicant/wife prays for transferring HMP No.1087/2016 from the Family Court at Pune to the competent Court at Shrigonda, Dist. Ahmednagar.

2. Learned Advocate for the applicant/wife submits that for the reasons set out in the application, the applicant was driven out of her home after a girl child was born. She is about 2 years old today. The respondent/husband has a hefty salary and has several properties. Yet, the applicant is left to reside with her widowed mother at Shrigonda. She has to travel to Pune which requires a complete day journey, to and fro, for attending the proceedings at Pune. The child cannot live alone. There is no adult male member in the family to accompany the applicant for attending the proceedings at Pune. There are two proceedings initiated by the applicant before the

respective Courts at Shrigonda and the respondent/husband attends the said proceedings.

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. Learned Advocate for the applicant/wife makes a statement that she has not been granted travelling expenses for attending the proceedings at Pune.

5. Considering the hardships which the applicant/wife has to face, especially in the light of the fact that she is living with a widowed mother and the respondent/husband travels to Shrigonda for attending 2 court proceedings initiated by the applicant/wife, this application is allowed in terms of prayer clause "A" and HMP No.PA/1087/2016, stand transferred to the learned Civil Judge, Sr.Dn. at Shrigonda. The respondent / husband would be at liberty to request the said Court for posting the said matter on the same date on which he attends the other two proceedings at Shrigonda so as to attend all these 3 cases in a common trip.

( RAVINDRA V. GHUGE, J.)