

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

MISC.CIVIL APPLICATION NO. 227 OF 2017

RENUKA RAMESH OSWAL
VERSUS
RAMESH DEVICHAND OSWAL

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Advocate for the Applicant	: Smt. M.S.Jagtap
Advocate for the respondent/sole	: Shri Ajinkya Kale h/f. Shri A.T. Kanawade

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

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PER COURT :-

1] By this application, the applicant/wife prays that the proceedings P. A. No.918/2017 filed by the respondent/ husband seeking divorce under the Hindu Marriage Act, be transferred to Shrirampur, where she resides.

2] It is stated that after the applicant was deserted by the husband, she started to reside in her parental home at Shrirampur alongwith her two children namely Master Aryan and Master Jatin. An adult member of the family has to travel alongwith her to attend the proceedings in the Family Court at Pune. Criminal Miscellaneous Application No. 501/2017 has been preferred by the applicant against the respondent/husband under Sections 17, 18, 19(8) and 20(1)(d), 22, 23 of the Domestic Violence Act and the respondent visits Shrirampur to attend the said Court proceedings.

3] Learned advocate for the respondent/husband has strongly opposed this application. He submits that he is willing to pay the travelling expenses to the applicant/wife so that she can attend the proceedings before the Family Court at Pune. He further submits that the applicant has filed this application for causing harassment to the respondent/husband.

4] 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 exigencies or other compelling reasons, the Court can always take a different view in the matter.

5] Considering the above and taking into account the fact that the respondent/husband visits Shrirampur for attending the proceedings filed by the applicant/wife, it would be convenient to

him to attend both the proceedings at Shrirampur on the same day. The manifest inconvenience and the rigors of the litigation being suffered by the applicant/wife can be reduced keeping in view the law laid down by the Honourable Apex Court in the above referred cases.

6] As such, this application is allowed in terms of prayer clause 'B', which reads as under :

“ B) The Petition No. 918 of 2017 pending before the Family Court Pune may kindly be transferred to the Court of Shrirampur Dist. Ahmednagar for that purpose issue necessary order.”

7] Needless to state, that the respondent/husband would be at liberty to pray before both the Courts at Shrirampur to post both the matters on the same day so that he can attend both the proceedings in a single visit.

(RAVINDRA V. GHUGE, J.)

shp/-

