

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

MISC.CIVIL APPLICATION NO.245 OF 2017

SAVITA SANDIP KALE
VERSUS
SANDIP RANU KALE

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Advocate for the Applicant : Shri Aghav Avinash D.
Advocate for the Respondent : Shri A.B.Gaikwad (Patil)

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 04th December, 2018

Per Court:

1 On 09.02.2018, this Court had passed the following order :-

- "1. The applicant prays for transferring the HMP No.982/2017 from the Court of the learned Civil Judge, S.D. Pune to the Court of the learned Civil Judge, S.D. Ahmednagar. The applicant, after being deserted, is residing with her parents at Khadki, Tal and Dist.Ahmednagar. Two proceedings have been initiated by the applicant/wife at Ahmednagar and the respondent husband attends the said proceedings by visiting Ahmednagar.
2. Issue notice to the respondents, returnable on 23/03/2018. Until further orders, HMP No.982/2017 before the concerned Court at Pune shall stand stayed.
3. Copies of the petition paper book for issuance of notice shall be supplied on or before 20/02/2018, failing which, this application shall stand dismissed without reference to the Court on 21/02/2018.

2 The Applicant has placed reliance upon the following

judgments :-

- (a) *Sumita Singh vs. Kumar Sanjay*, (2001) 10 SCC 41 : AIR 2002 SC 396.
- (b) *Mahadevi Mehtre vs. Gopal*, 2015 (5) AIR Bom. 250.
- (c) *Mona Aresh Goel vs. Aresh Satya Goel*, 2000 (9) SCC 255 : AIR 2000 SCW 2652.
- (d) *Ravinder Kaur vs. Hitinder Singh*, AIR 2000 SC 3403 (2).
- (e) *Rena Gautam vs. Vinod Gautam*, AIR 2000 SC 3405 (1).
- (f) *Soma Choudhury vs. Gourab Choudhary* (2004) 13 SCC 462.
- (g) *Anjali Ashok Sadhwani vs. Ashok Kishinchand Sadwani*, AIR 2009 SC 1374.
- (h) *Vaishali Shridhar Jagtap vs. Shridhar Vishwanath Jagtap*, AIR 2016 SC 3584.
- (i) *Reena Mehra vs. Rohit Rai Mehra*, AIR 2003 SC 1002.
- (j) *Rakhi Banerjee vs. Subhankar Mukherje*, AIR 2009 SC 928.
- (k) *T.Gayatri Devi vs. Tallepaneni Sreekanth*, 2013 (6) Bom. C.R. 119 (Supreme Court).
- (l) *Anita Balkrishna Barge vs. Balkrishna Sopan Barge*, 2011 (3) Bom. C.R. 866 (Aurangabad Bench).
- (m) *Smita Dhananjay Patil vs. Dhananjay Krishnakumar Patil*, 2013 (5) Bom.C.R. 694 (Aurangabad Bench).
- (n) *Kalpana Pankaj Rozatkar vs. Pankaj Supadu Rozatkar*, 2013 (6) Bom.C.R. 161 (Aurangabad Bench).
- (o) *Sayali Swapnil Kuber vs. Swapnil Harischandra Kuber*, 2014 (1) Mh.L.J. 584 (Nagpur Bench).

3 The learned Advocate for the Respondent/ husband submits that the affidavit in reply has been filed. He is willing to pay the traveling charges and expenses for the journey to the Applicant/ wife. Reliance is placed on the following judgments to contend that merely because the Applicant is a lady, would not mean that her convenience alone is to be considered :-

- (a) *Kanagalakshmi vs. A. Venkatesan*, (2004) 13 SCC 405.
- (b) *Priyanka Batra vs. Manish Batra*, (2005) 12 SCC 236.
- (c) *Kakali Pal vs. Balai Chandra Pal*, (2005) 12 SCC 216.
- (d) *Anuradha Dutta vs. Subash Chandra Dutta*, (2004) 13 SCC 694.
- (e) *Sarita Singh alias Babli Baghel vs. A.P.Baghel*, (2005) 12 SCC 376.
- (f) *Kamudi Aurora vs. Surinder Pal Singh Aurora*, (2004) 13 SCC 634.
- (g) *Gargi Konar vs. Jagjeet Singh*, (2005) 11 SCC 446.
- (h) *Preeti Sharma vs. Manjit Sharma*, (2005) 11 SCC 535.

4 Though the contention of the Respondent is well placed, the fact remains that two proceedings have been initiated by the Applicant/ wife at Ahmednagar and the Respondent/ husband attends the said

proceedings by traveling from Pune to Ahmednagar, which is a distance of about 110 kilometers.

4 I am of the view that if the pending proceeding at Pune is transferred to Ahmednagar, both the litigating sides, who travel to Ahmednagar, would attend all the proceedings on a common date.

5 In view of the above, this Miscellaneous Civil Application is allowed. Hindu Marriage Petition No.982/2017 is transferred from Pune to the Court of the learned Civil Judge, Senior Division, Ahmednagar.

6 Both the litigating sides shall appear before the Court at Ahmednagar on 04.01.2019, on which date the other two matters are also posted at Ahmednagar. Formal notice is not required to be issued. Both sides can request the Courts dealing with the said three proceedings at Ahmednagar to post these matters on a common date so that these litigating sides can attend the proceedings on the said date.

7 The learned Court at Ahmednagar shall initially refer the said proceedings after transfer, to a trained mediator at the district level so as to explore the possibility of saving the marriage. If the mediation fails then the Court would proceed with the merits of the matter.