

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

MISC.CIVIL APPLICATION NO. 246 OF 2017

**DR. KAVITA VAIBHAV SURADKAR
VERSUS
DR. VAIBHAV TUKARAM SURADKAR**

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Advocate for the Applicant : Shri M. L. Wankhade
Advocate for the Respondent- sole : Shri M. S. Karad

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 27th AUGUST, 2018.

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PER COURT :

1. The applicant- wife who is a doctor, prays for transferring the petition No. A-430/2017 filed by the respondent-husband who is also a doctor, from the Family Court, Aurangabad to the Family Court at Nanded.
2. I have heard the learned Advocates for the respective sides.
3. The learned Advocate for the respondent opposes this application and submits in the alternative that if this Court is inclined to entertain this application, the Family Court at Nanded be directed to decide the proceedings within a particular time frame and the other proceedings preferred by the applicant under Section 498-A of the Indian Penal Code, at

Nanded may also be posted on the same day so that the respondent can participate in both the proceedings in a single visit to Nanded.

4. Considering the contentions set out in the memo of the application and keeping in view the law laid down by the Honourable Apex Court in the matter of ***Soma Choudhury Vs. Gourab Choudhury, (2004) 13 Supreme Court Cases 462***, I deem it appropriate to allow this application in terms of prayer Clause 'B', which reads as under :-

'B) By allowing this Misc. Civil Application, the Petition No. A-430/2017 pending before the learned Family Judge, Aurangabad may kindly be directed to be transferred to the learned Family Court at Nanded.'

5. Since the litigating parties are Medical Practitioners, the Family Court at Nanded would endeavour to decide the said proceeding as expeditiously as possible and preferably on or before 31/03/2019.

6. Both the litigating sides shall appear before the Family Court at Nanded on 24/09/2018.

7. The pending proceeding pertaining to Section 498-A of the I.P.C. initiated by the applicant wife would also be posted

on the same date by the concerned Court on which the present proceedings are also posted by the Family Court so as to enable the respondent to participate in the said proceedings in the same visit to Nanded.

8. Considering the rival pleadings emerging from the record, I find that if the Family Court at Nanded would take the assistance of a counsellor or a trained mediator to ascertain as to whether, the marriage between the parties could be saved as differences do not appear to me, to be so serious, that these two educated persons coming from highly educated families, should part ways. An endeavour to refer the matter for mediation seems to be a step towards saving the marriage and the parties may consider the same.

(RAVINDRA V. GHUGE, J.)

shp/-