

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.14 OF 2019
(Archana Nitin Thakur Vs. Nitin Rajkumar Thakur)

Ms.S.M.Zaware, Advocate for the applicant.
Mr.P.V.Tapse Patil, Advocate for the respondent.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 18/04/2019

PER COURT :

1. On 21/01/2019, I had passed the following order :-

“1. The applicant prays for transferring Marriage Petition No.1368/2018, from the learned Family Court, Pune, to the learned Family Court at Ahmednagar.

2. The applicant has two daughters born out of the Wedlock. The marriage had taken place on 05.05.2009. It is not possible to carry the two daughters to Pune, to attend the Court hearing. The parents are aged. An adult member of the family has to accompany her for her security.

3. Reliance is placed upon the following judgments :-

1. Anjali Ashok Sadhwani Vs.Ashok Kishinchand Sadhwani, (2009) 16 SCC 188,

2. Sumita Singh Vs. Kumar Sanjay and another (2001) 10 SCC 41,

3. Rajni Kumari Vs.Raghvinder Sahay @ Lal Bahu 2009(1) Supreme 176.

4. *Issue notice to the respondent, returnable on 01.03.2009. Until then, the learned Family Court, Pune, would adjourn Marriage Petition No.1368/2018.*

5. *Copy of the Miscellaneous Civil Application for serving the respondent shall be supplied and all office objections shall be removed, on/or before 28.01.2019, failing which this Miscellaneous Civil Application shall stand dismissed without reference to the Court on 29.01.2019.”*

2. Learned Advocate for the applicant further submits that there are two proceedings pending before the competent Courts at Ahmednagar filed by the wife u/s 125 of the Cr.P.C. and u/s 12 of the Protection of Women from Domestic Violence Act, 2005. The husband has not caused an appearance though court notice is served. All the 3 proceedings can be posted together on common dates for the convenience of the husband.

3. Learned Advocate for the respondent/husband has relied upon the affidavit in reply dated 01/03/2019. It is submitted that the respondent is willing to pay the bus fare of a public transport and is not willing to give any luxury facility to the wife for attending the proceeding at Pune. This application has been filed to harass the husband. The husband has a critical kidney problem.

4. I find from the medical report that the respondent had undergone a procedure for fitting a Stent in one of the kidneys and the Stent was removed on 13/06/2017, after which, he has recovered.

5. Since the husband is attending the two proceedings filed by the wife at Ahmednagar, it would be inappropriate to direct the wife to attend one proceeding at Pune. Instead, these 3 proceedings can be conducted at Ahmednagar and common dates could be granted so as to make it convenient for the husband to attend the proceedings in his common visits.

6. In view of the above, this application is allowed. Marriage Petition No.1368/2018 shall stand transferred from the Family Court, Pune to the Family Court, Ahmednagar. Since the other proceedings are posted on 11/06/2019, both these litigating sides would appear before the Family Court, Ahmednagar on 11/06/2019. The husband shall pray for common dates in all the 3 matters so that he can attend these proceedings in his common visits at Ahmednagar.

(Ravindra V.Ghuge, J.)