

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.20 OF 2019  
(Jyoti w/o Yuvraj Raut Vs. Yuvraj Vishwanath Raut)

Mrs.S.L.Awchar, Advocate for the applicant.  
Mr.D.G.Kamble, Advocate for the respondent.

( CORAM : Ravindra V.Ghuge, J.)

DATE : 02/05/2019

PER COURT :

1. While issuing notice on 11/02/2019, I had passed the following order :-

*"1. The applicant / wife seeks transfer of HMP No. 13/2018, filed by the respondent / husband, from the Court of the learned Civil Judge, Senior Division, Majalgaon, Dist. Beed, to the Court of the learned Civil Judge, Senior Division, Aurangabad.*

*2. The applicant is presently residing with her parents at Aurangabad after being driven out of the marital home. She was assaulted and ill-treated. One proceeding is filed under the Protection of Women from Domestic Violence Act, 2005, at Aurangabad. Distance between Majalgaon to Aurangabad is 150 km. An adult member of the family has to accompany her to attend the Court proceedings at Majalgaon.*

*3. Reliance is placed upon the following judgments :-*

*(i) Sumita Singh Vs. Kumar Sanjay and another - AIR 2002 SC 396,*

(ii) *Soma Choudhuri Vs. Gourab Choudhuri - (2004) 13 SCC 462,*

4. *Issue notice to the respondent, returnable on 22.3.2019. Until then, the trial Court will adjourn HMP No. 13/2018.*

5. *Copy for issuing notice to the respondent is supplied in the Court and the same is taken on record.”*

2. Learned Advocate for the respondent/husband has strenuously opposed this application. It is submitted that the proceedings under the Protection of Women from Domestic Violence Act, 2005 have been concluded at Aurangabad and no proceedings in between the parties are now pending before any Court at Aurangabad. Since the applicant/wife can travel to Majalgaon to serve warrants upon the respondent/husband, she can continue to travel to Majalgaon and attend the proceedings initiated by him.

3. Learned Advocate for the applicant submits that the respondent is in arrears of payment of maintenance for an amount of about Rs.2,56,000/-. The applicant is compelled to initiate steps against him and is required to suffer untold miseries even for serving warrants of recoveries upon the respondent. Some recovery proceedings are pending before the Aurangabad Courts.

4. Considering the above, I do not find that the respondent has put forth any such reason which would indicate greater hardships being suffered by him in comparison to the hardships suffered by the wife.

5. As such, this application is allowed. HMP No.13/2018 shall be transferred from the Court of the learned Civil Judge, Sr.Dn, Majalgaon to the Court of the learned Family Court, Aurangabad.

6. The litigating sides shall appear before the Family Court at Aurangabad on 12/06/2019 since another proceeding against the respondent is posted on the same date at Aurangabad. Liberty is granted to the husband to request for common dates in all pending matters at Aurangabad so that he can attend the proceedings in his common visits.

( Ravindra V.Ghuge, J.)