

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.24 OF 2019

ASHWINI SHIVRAJ GUJARWAD
VERSUS
SHIVRAJ MAROTIRAO GUJARWAD

Mr.N.D.Kendre, Advocate for the applicant.
Mr.R.K.Ingole Patil, Advocate for the respondent.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 04/09/2019

PER COURT :

1. I have heard the learned Advocates for the respective sides. The learned Advocate for the respondent/husband has strenuously opposed the application and contends that the applicant/wife desires to harass the husband. This application is motivated and is filed with oblique motives. There is no reason to transfer the matter from Nanded to Latur.

2. On 04/02/2019, I had passed the following order :-

"1 The Applicant/ wife prays for transferring Petition No.A-243/2017 filed by the Respondent/ Husband before the learned Family Court, Nanded to the learned Family Court at

Latur.

2 It is submitted that the marriage was solemnized on 14.03.2008 and out of the said wedlock, two girl children are born, who are aged about six and nine years. The Applicant was harassed by the Respondent/ husband and his relatives on account of illegal demands and was deserted by the Respondent/ husband. At present, the Applicant is residing along with her parents. The distance between Latur and Parbhani is about 200 kilometers. Being a lady, an adult member of the family has to accompany her. The Applicant has filed the proceedings at Chakur, District Latur under the Protection of Women from Domestic Violence Act, 2005 and the Respondent/ husband attends the said proceedings. A categorical statement is made that the Applicant is not paid the traveling allowance for attending the proceedings at Nanded.

3 Reliance is placed 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 Choudhaury (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).

4 *Issue notice to the Respondent returnable on 15.03.2019.*

5 *Till then, the concerned Court shall adjourn No.A-243/2017.*

6 *The copy of the application memo for issuance of notice, if not already supplied, shall be supplied and the office objection, if any, shall also be removed on or before 12.02.2019, failing which, this application shall stand rejected without reference to the Court on 13.02.2019.”*

3. The record reveals that the respondent has also preferred a proceeding at Latur.

4. Considering the above, this application is allowed in terms of prayer clause “B” and Petition No.A-243/2017 shall stand transferred to the learned Family Court at Latur.

5. Both the parties agree to appear before the learned Family Court at Latur on 30/09/2019. Formal notices are not necessary.

(Ravindra V.Ghuge, J.)