

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.41 OF 2018
(Suvarna w/o Gajanan Surkutwar Vs. Gajanan s/o Dhondiba
Surkutwar)

Mr.N.G.Kale, Advocate for the applicant.
Mr.R.K.Ingole Patil, Advocate for the respondent.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 04/03/2019

PER COURT :

1. On 22/10/2018, I had passed the following order :-

“1. The applicant wife seeks transfer of HMP No.142/2017 filed by the respondent / husband, from the learned Family Court, Nanded, Dist. Nanded to the Court of learned Family Court, Latur, Dist.Latur.

2 The applicant is residing with her parents after being driven out of the marital home. She was harassed and tortured. An adult member of the family has to accompany her to attend the Court proceeding at Nanded.

3 Reliance is placed upon the following judgments:-

*(i) Vennangot Anuradha Samir Vs. Vennangot Mohandas Samir-
2016 (1) Bom.C.R.250,*

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

- (iii) *Anjali Ashok Sadhwani Vs. Ashok Kishinchand Sadhwani, AIR 2009 SC 1374*
- (iv) *Vaishali Shridhar Jagtap vs. Shridhar Vishwanath Jagtap - 2016 AIR (SC) 3584*
- (v) *Sayali Swapnil Kuber Vs. Swapnil Harischandra Kuber- [2014(1) Mh.L.J. 584],*
- (vi) *Nilima Vs. Pavansingh - LEX (BOM)2011 9 193 and*
- (vii) *Shila Nitin Rajure Vs. Nitin Marotiappa Rajure - MCA No.184 of 2017 (Aurangabad Bench), dated 9.1.2018.*

4 *Issue notice to the respondent, returnable on 14.12.2018. Until then the Trial Court will adjourn HMP No.142/2017.*

5 *Copy of the paper book for issuance of notice shall be supplied and all objections shall be removed on/or before 01/11/2018, failing which this application shall stand rejected without reference to the Court on 02/11/2018."*

2. Learned Advocate for the respondent / husband has placed on record certain medical papers (9 documents), which are collectively marked as "X" for identification.

3. The applicant as well as the respondent are in Government service as "Talathi".

4. The respondent/husband is facing a life threatening challenge and is presently under treatment in view of the invasive squamous carcinoma of the cheek. He is undergoing radiation treatment as the site which is the right side face and neck.

5. In view of the above, I do not find that the proceedings initiated by the husband at Nanded could be transferred to Latur.

6. At this juncture, learned Advocate for the applicant/wife submits that the matter at Nanded be referred to a trained mediator to cause mediation.

7. Learned Advocate for the respondent/husband is agreeable for mediation at the Family Court level at Nanded.

8. In view of the above, this application is disposed off. The applicant/wife shall participate in HMP No.142/2017 by appearing on the next date 30/03/2019.

9. The learned Family Court, Nanded can refer the proceedings to a trained mediator in order to explore the possibility of saving the marriage or resolving the dispute between the parties.

(Ravindra V.Ghuge, J.)