

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

MISC.CIVIL APPLICATION NO.43 OF 2018

**SHILPA PRASHANT GAVHANE
VERSUS
PRASHANT BANSI GAVHANE**

...
Advocate for the Applicant : Ms. A. N. Ansari
Advocate for the Respondent - sole : Shri A. G. Talhar
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CORAM : RAVINDRA V. GHUGE, J.

DATED : 12th MARCH, 2019.

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PER COURT :

1. The applicant wife prays for transferring HMP No. 51/2017 from the Court of the learned Civil Judge Senior Division, Shrigonda to the Court of the learned Civil Judge Senior Division, Thane.

2. Contention is that right from the engagement ceremony till the marriage ceremony, gold ornaments were given and huge amounts were spent on the marriage. The applicant was a project manager. Yet the respondent started illtreating her and had physically assaulted her though she was unwell between 5th to 10th September, 2016 due to Dengue. Finally

she was driven out of her marital home and the respondent and his parents refused to return jewellery. She had also filed a police complaint and had to quit her job because of physical assault. Later on, she realized that the respondent was suffering from 'Schizophrenia' and was taking treatment from a psychiatrist. The applicant has preferred Marriage Petition No. 647/2017 at Thane and the respondent husband attends the said proceeding.

3. Reliance is placed upon the following judgments :

- 1) *Vaishali Shridhar Jagtap Vs. Shridhar Vishwanath Jagtap [(2016) 14 SCC 356]*
- 2) *Anjali Ashok Sadhwani Vs. Ashok Kishinchand Sadhwani [AIR 2009 SC 1374]*
- 3) *Mona Aresh Goel Vs. Aresh Satya Goel [AIR 2000 SC 3512 (1)]*
- 4) *Sumita Singh Vs. Kumar Sanjay and Another [AIR 2002 SC 396]*
- 5) *Soma Choudhury Vs. Gourab Choudhaury [2004 (13) SCC 462]*
- 6) *Bhagyashree Ganesh Trimbake Vs. Ganesh Shivling Trimbake [Order dated 13/03/2018 passed by this Hon'ble High Court in MCA No. 28/2017]*

4. The learned Advocate for the respondent husband submits that if the applicant wants a divorce, the respondent is willing to settle the issue and seek a divorce by mutual consent. This exercise can be done at Aurangabad at the High Court Level.

5. The learned Advocate for the applicant wife opposes the said request for the reason that this Court had referred the matter to the mediator by order dated 19/11/2018. The respondent husband did not even remain present for the mediation.

6. Considering the above and since the respondent husband is already participating in the proceedings initiated by the applicant at Thane, this MCA is allowed. HMP No. 51/2017 shall stand transferred to the Court of the learned Civil Judge Senior Division, Thane.

7. The litigating sides shall remain present before the said Court on 25/03/2019 since the other proceedings are posted

on that date. Liberty is granted to the respondent husband to seek common dates in both the matters so as to participate in both the proceedings in common visits.

(RAVINDRA V. GHUGE, J.)

shp/-