

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.55 OF 2019
(Shivprema w/o Vijay Khapre Vs. Vijay s/o Jagannath Khapre)

Mr.S.S.Manale, Advocate for the applicant.
Mr.Aakash Gade, Advocate for the respondent.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 26/04/2019

PER COURT :

1. The applicant wife prays for transferring HMP No.2/2019 from the Court of the learned Civil Judge, Sr.Division, Parbhani to the learned Family Court at Latur. The respondent has been heard.

2. It is stated that the distance is of about 120 kms and the applicant has to be accompanied by an adult member to travel to Parbhani. The respondent has now shifted his residence to Tal.Newasa, Dist.Ahmednagar. The applicant has filed HMP No.11/2019 before the Family Court at Latur and notice has been issued to the respondent.

3. While issuing notice on 13/03/2019, I had passed the following order :-

"1. Leave to amend the address of the respondent. Amendment to be carried out forthwith.

2. The applicant wife seeks transfer of HMP No.2/2019 filed by the respondent / husband, from the learned Civil Judge, Senior Division, Parbhani to the learned Family Court at Latur.

3. The applicant is presently residing with her parents after being driven out of the marital home. She was harassed, assaulted and illtreated and her husband is addicted to vices. An adult member of the family has to accompany her to attend the Court proceeding at Parbhani.

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 on both the address, returnable on 26/04/2019. Until then, the trial Court will adjourn HMP No.2/2019.*

5 *Copy of the paper book for issuance of notice shall be supplied and all objections shall be removed on/or before 19/03/2019, failing which this application shall stand rejected without reference to the Court on 20/03/2019.”*

4. The respondent denies the allegations made by the wife. It is submitted that she has filed these proceedings to harass him. No harm or inconvenience would be caused to the wife if the proceedings are not transferred.

5. Considering the above, this application is allowed and HMP No.2/2019 shall stand transferred from the Court of the learned Civil Judge, Sr.Division, Parbhani to the Family Court at Latur. Both the sides shall appear before the Family Court, Latur on 03/06/2019.

(Ravindra V.Ghuge, J.)