

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

MISC.CIVIL APPLICATION NO. 66 OF 2019

**SHEETAL CHARUDATTA PAMPAD
VERSUS
CHARUDATTA BHARAT PAMPAD**

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Advocate for the Applicant : Smt. B. B. Gunjal
Advocate for the Respondent : Shri N. R. Thorat h/f.
Shri A. K. Tiwari

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 04th JUNE, 2019.

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PER COURT :

1. On 19/03/2019, I had passed the following order :-

"1. The applicant/wife seeks transfer of HMP No. 142/2018, filed by the respondent/husband, from the Court of the learned Civil Judge, Senior Division, Jalgaon, to the Court of the learned Civil Judge, Senior Division, Latur.

2. The applicant is residing with her parents after being driven out of the marital home. She was ill-treated, physically abused and demanded dowry of Rs. 25,00,000/-.

3. Reliance is placed upon the following judgments :

(i) *Rajeshri Nitin Gadge Vs. Nitin Manikrao Gadge, MCA No. 186 of 2018 (Aurangabad Bench), dated 24.10.2018.*

(ii) *Manisha Rameshwar Rahane Vs. Rameshwar Shankarrao Rahane, MCA No. 79 of 2018 (Aurangabad Bench), dated 09.04.2018.*

4. *Issue notice to the respondent, returnable on 26.4.2019. Until then, the trial Court will adjourn HMP No. 142/2018.*

5. *Copy of the paper book for issuance of notice shall be supplied on/or before 28.03.2019, failing which this application shall stand rejected without reference to the Court on 29.03.2019."*

2. The learned Advocate for the applicant submits that before getting married, the respondent impressed the applicant and her family members that he was working as a bank manager with HDFC Bank. After considering this information, she agreed to get married with the respondent. After marriage, it was noticed that he was unemployed and he started demanding a dowry of Rs. 25,00,000/-.

3. The learned Advocate for the respondent husband submits that he had made it clear to the applicant and her

parents that he was unemployed. They agreed for the marriage knowing that he is unemployed. He further submits that he is willing to bear the State Transport Bus Fare for the applicant and one relative for attending the proceedings at Jalgaon. He submits that he is an unskilled labourer.

4. The learned Advocate for the applicant wife submits that a similar statement was made by the husband that he would pay conveyance charges, before the lower Court and the assurance was not followed and no such payment was given.

5. The learned Advocate for the applicant submits that it is extremely cumbersome and tiresome to undertake the bus journey from her residence to Jalgaon. She has to board the bus from her village to Taluka Chakur and then take a different bus to go to Latur. From Latur, she has to undertake a fresh journey to Jalgaon which is a one way distance of about 500 kms.

6. It is settled law that while considering such applications for transferring a proceeding, the comparative hardships of the

litigating sides have to be seen. If the applicant wife is required to change vehicles at three stations to undertake a one way journey to Jalgaon and suffer the same hardships to undertake the return journey, which is a total distance of 1000 kms., alongwith a close relative, it would be extremely tiresome and cumbersome. Instead, the respondent could undertake the journey to Latur from Jalgaon. It is also settled law that if the husband can assign reasons due to which it would be impossible for him to travel to the place of choice of the wife for attending court proceedings, the application by the wife could be rejected. However, no such circumstances have been cited.

7. In view of the above, this application is allowed. HMP No. 142/2018 shall stand transferred from the Court of the learned Civil Judge, Senior Division, Jalgaon, to the Court of the learned Civil Judge, Senior Division, Latur. The litigating sides would appear before the Court at Latur on 05/07/2019.

(RAVINDRA V. GHUGE, J.)

shp/-