

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

MISC.CIVIL APPLICATION NO. 53 OF 2018

**CHAITALI GAJANAN PARASNE
VERSUS
GAJANAN SHRIRAM PARASNE**

...
Advocate for the Applicant : Shri A. N. Sabnis
Advocate for the Respondent – sole : Shri M. S. Karad
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CORAM : RAVINDRA V. GHUGE, J.

DATED : 08th APRIL, 2019.

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PER COURT :

1. The applicant wife prays for transferring HMP No. 133/2017 filed by the respondent husband before the learned Civil Judge Senior Division, Buldhana to the Family Court at Aurangabad.

2. It is submitted that the applicant wife is residing with her parents at Aurangabad along with a daughter, who is about 3 ½ years of age. It is contended that the respondent husband is addicted to drinking and under the influence of liquor, he keeps on questioning the character of the applicant wife. He goes to the extent of alleging that the applicant wife

resides with somebody else at Pune, when she was living with him as a couple after the marriage. The distance between Buldhana and Aurangabad is more than 150 kms. and an adult member of the family is required to accompany the applicant. She cannot carry her child during the hearing of the matter as she is too small to travel.

3. Reliance is placed upon the following judgments :

- (i) *Vennangot Anuradha Samir Vs. Vennangot Mohandas Samir [2016 (1) Bom.C.R.250],*
- (ii) *Soma Choudhury Vs. Gourab Choudhury (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,*
- (vii) *Shila Nitin Rajure Vs. Nitin Marotiappa Rajure MCA No.184 of 2017 (Aurangabad Bench), dated 9.1.2018].*

4. The learned Advocate for the respondent husband

strongly opposes the application. Contention is that the applicant has filed this application only to harass the respondent. She can travel to Buldhana for attending the court proceedings and there is no reason for entertaining this application. He states that he is a driver by profession and he operates a private vehicle.

5. I find that the law in such matters is well settled. The convenience of the wife has to be considered while taking into account the comparative hardships of the litigating sides. The applicant has a girl child born out of their marriage, who is about 3 ½ years of age and it would be inconvenient to her to travel to Buldhana. Instead, the husband can travel to Aurangabad and attend the court proceedings.

6. In view of the above, this application is allowed. HMP No. 133/2017 shall stand transferred to the Family Court at Aurangabad.

7. Both the litigating sides shall appear before the Family Court at Aurangabad on 26/04/2019. Formal notice need not

be issued.

8. In the event the couple desires to refer these proceedings to the mediator, they would be at liberty to make such a request to the learned Judge of the Family Court at Aurangabad.

(RAVINDRA V. GHUGE, J.)

shp/-