

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

MISC.CIVIL APPLICATION NO.110 OF 2018

**MANGALABI NITESH SURYAVANSHI
VERSUS
NITESH DHANLAL SURYAVANSHI**

...
Advocate for the Applicant : Shri Shaikh Samir Ahmad
Saifuddin
Advocate for the Respondent - sole : Shri G. R. Syed
...

CORAM : RAVINDRA V. GHUGE, J.

DATED : 13th FEBRUARY, 2019.

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PER COURT :

1. The applicant wife prays for transferring HMP No. 02/2018 from the Court of the learned District Judge, Dadra and Nagar Haveli at Silvassa to the Court of the learned Civil Judge Senior Division, Dhule.

2. Two daughters aged 4 years and 8 years are residing with the applicant wife at her parental home in Dhule. The elder one is taking education and the younger one is in Nursery. It is contended that after the second daughter was born, the husband started blaming her for the birth of female children.

3. It is submitted that the applicant wife is a police constable and the husband was residing alongwith her in her parental home at Dhule since marriage in 2014. As he was insisting that she should reside with him at Silvasa, that the dispute occurred. He finally left her and did not even return to meet her after the birth of second daughter. The respondent is in business. The applicant being a police constable, is not able to get leave from her job for frequently attending the said proceeding instituted by the husband at Silvasa.

4. Reliance is placed upon the judgment of this Court in the matter of *Sangmitra Ramakant Royalwar Vs. Ramakant Gangaram Royalwar, 2000 (1) Mh.L.J. 303*.

5. The learned Advocate for the respondent husband has strenuously opposed this application. He submits that though the applicant has preferred a criminal case under Section 125 of the Cr.P.C. at Dhule which he is attending, it was the applicant wife, who used to harass the husband. It was out of serious differences between the two that he found it

unbearable to live at Dhule. He is running a business at Silvasa.

6. I find that it is not appropriate to go into the personal allegations made by the rival sides against each other.

7. It requires no debate that in matters of such nature, normally the convenience of the wife has to be seen, unless the husband can cite such reasons which would indicate that it would be impossible for him to attend the proceedings at the place of choice of the wife.

8. When a proceeding is already before the concerned Court at Dhule and as the respondent husband attends the said proceeding, I do not find that any prejudice would be caused to him if HMP No. 02/2018 pending before the learned District Judge at Silvasa Dadra and Nagar Haveli is transferred to the Court of the Civil Judge Senior Division, Dhule. The husband can attend the two proceedings on common dates by making such request. Per contra, if the proceeding is not transferred, the applicant wife would be attending one proceeding at Dadra

and Nagar Haveli at Silvassa and the respondent husband would be attending the proceeding at Dhule. So also, it cannot be the case of the respondent husband that he can not attend these proceedings on common dates.

9. In view of the above, this application is allowed. HMP No. 02/2018 stands transferred from the Court of Dadra and Nagar Haveli at Silvassa to the Court of the learned Civil Judge Senior Division, Dhule.

10. The litigating sides shall appear before the concerned Court at Beed on 16/03/2019.

11. Liberty is granted to the husband to request that these two matters should be posted on common dates so that he can attend these matters in common visits at Dhule.

(RAVINDRA V. GHUGE, J.)

shp/-