

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.126 OF 2018

POONAM VISHAL NAGRE
VERSUS
VISHAL MADHUKAR NAGRE

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Advocate for Applicant : Shri Chavan Sudhir K.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: April 05, 2019
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PER COURT :-

1. Though the respondent has been served by Court notice, no appearance has been entered. This matter was adjourned to enable the appearance of the husband, but in vain.

2. The applicant / wife seeks transfer of Petition No. A-529 of 2016 filed by the respondent / husband, from the Family Court, Nasik to the court of the learned Civil Judge S.D. Parbhani.

3. It is submitted that after being physically and mentally harassed the applicant was driven out of her marital home. The applicant is residing with her widowed mother, along with her minor son. She has preferred three proceedings at Parbhani, which are as under:-

(a) Criminal Misc. Application No.788 of 2016,

- (b) PWDV Application No.148 of 2016, in which interim maintenance is granted,
- (c) PWDV Appeal No.5 of 2018, which is filed by the husband for challenging the interim maintenance and
- (d) RCA No.261 of 2016.

4. The applicant submits that she has one married sister who resides at Pune and does not have a brother. She will have to travel a distance of about 400 kms. from Parbhani to Nasik, when the husband is attending the proceedings at Parbhani.

5. 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) Sumita Singh vs. Kumar Sanjay - (2001) 10 SCC 41 : AIR 2002 SC 396,
- (vi) Mahadevi Mehtre vs. Gopal - 2015 (5) AIR Bom. 250,
- (vii) Mona Aresh Goel vs. Aresh Satya Goel - 2000 (9) SCC 255 : AIR 2000 SCW 2652,
- (viii) Ravinder Kaur vs. Hitinder Singh - AIR 2000 SC 3403,
- (ix) Rena Gautam vs. Vinod Gautam - AIR 2000 SC 3405,
- (x) Reena Mehra vs. Rohit Rai Mehra - AIR 2003 SC 1002,

- (xi) Rakhi Banerjee vs. Subhankar Mukherje -
AIR 2009 SC 928,
- (xii) T.Gayatri Devi vs. Tallepaneni Sreekanth -
2013 (6) Bom. C.R. 119 (SC),
- (xiii) Anita Balkrishna Barge vs. Balkrishna Sopan Barge -
2011 (3) Bom. C.R. 866 (Aurangabad Bench) and
- (xiv) Smita Dhananjay Patil vs. Dhananjay Krishnakumar Patil -
2013 (5) Bom.C.R. 694 (Aurangabad Bench).

6. In view of the above, this application is allowed and Petition No. A-529 of 2016 is transferred to the Court of the learned Civil Judge S.D. Parbhani.

7. Since one of the proceedings at Parbhani is already posted on 6.5.2019, the applicant would appear on the said date in the transferred proceedings. The husband is at liberty to pray for listing all these matters at Parbhani on common dates, so that he can participate in the said proceedings in common visits.

(RAVINDRA V. GHUGE, J.)

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