

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

MISC.CIVIL APPLICATION NO. 120 OF 2019

RASHMI W/O RAJESH KARAJAGI @ RASHMI D/O
MURLIDHARRAO RAJESHWARKAR
VERSUS
RAJESH S/O RADHAKRISHNA KARAJAGI

....
Advocate for the Applicant : Shri H. V. Tungar
Advocate for the Respondent : Shri A. A. Mukhedkar

...

CORAM : RAVINDRA V. GHUGE, J.

DATED : 26th NOVEMBER, 2019.

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PER COURT :

1. On 18/06/2019, when I had heard the learned Advocate for the applicant wife, I had passed the following order :-

*" 1 The applicant/ wife prays for transferring
Petition No.A-775/2018 from the court of the
learned Family Court, Nashik to the learned
Family Court at Parbhani.*

*2. It is submitted that the distance between
Nashik and Parbhani is about 450 kilometers.
Two overnight journeys are required to be
undertaken for attending a single hearing at*

Nashik. The applicant/ wife was driven out of the marital home and since then, the applicant is residing along with her parents.

3 Reliance is placed upon the following judgments :-

- (a) Sumita Singh vs. Kumar Sanjay, (2001) 10 SCC 41 : AIR 2002 SC 396.*
- (b) Mahadevi Mehtre vs. Gopal, 2015 (5) AIR Bom. 250.*
- (c) Mona Aresh Goel vs. Aresh Satya Goel, 2000 (9) SCC 255 : AIR 2000 SCW 2652.*
- (d) Ravinder Kaur vs. Hitinder Singh, AIR 2000 SC 3403 (2).*
- (e) Rena Gautam vs. Vinod Gautam, AIR 2000 SC 3405 (1).*
- (f) Soma Choudhury vs. Gourab Choudhary (2004) 13 SCC 462.*
- (g) Anjali Ashok Sadhwani vs. Ashok Kishinchand Sadwani, AIR 2009 SC 1374.*
- (h) Vaishali Shridhar Jagtap vs. Shridhar Vishwanath Jagtap, AIR 2016 SC 3584.*
- (i) Reena Mehra vs. Rohit Rai Mehra, AIR*

2003 SC 1002.

- (j) Rakhi Banerjee vs. Subhankar Mukherje, AIR 2009 SC 928.*
- (k) T. Gayatri Devi vs. Tallepaneni Sreekanth, 2013 (6) Bom. C.R. 119 (Supreme Court).*
- (l) Anita Balkrishna Barge vs. Balkrishna Sopan Barge, 2011 (3) Bom. C.R. 866 (Aurangabad Bench).*
- (m) Smita Dhananjay Patil vs. Dhananjay Krishnakumar Patil, 2013 (5) Bom. C.R. 694 (Aurangabad Bench).*
- (n) Kalpana Pankaj Rozatkar vs. Pankaj Supadu Rozatkar, 2013 (6) Bom. C.R. 161 (Aurangabad Bench).*
- (o) Sayali Swapnil Kuber vs. Swapnil Harischandra Kuber, 2014 (1) Mh.L.J. 584 (Nagpur Bench).*

4 Issue notice to the respondent returnable on 02.08.2019.

5 Until then, the concerned Court shall adjourn Petition No.A-775/2018.

6 The copy of the application memo for issuance of notice shall be supplied on or before 26.06.2019, failing which, this application shall stand rejected without reference to the Court on 27.06.2019.”

2. On 29/08/2019, after the learned Advocate for the respondent husband had stated that the husband suffers from hypertension, sugar and stomach bloating, the matter was referred to a mediator. The mediation has failed for reasons which need not be recorded in this order.

3. The learned Advocate for the husband submits that there is a direct train from Parbhani to Nashik and the applicant can very well undertake the said journey. She is an Advocate and there is no obstacle for her to travel to Nashik. Per contra, the respondent is employed in a private employment and his only holiday is on a Sunday. He agrees to bear the entire expenses for the travel of the wife as well as one escort so as to attend the proceedings at Nashik.

4. Though I find that the submissions on behalf of the husband can be entertained, I am unable to accede to the request made by the respondent for the reason that the medical papers on record indicate that the applicant is suffering from epilepsy. She suffers epileptic fits which occur without any warning or indication. A person is not in control of himself on account of the muscular seizure that occurs owing to epilepsy. A person cannot control himself and becomes vulnerable to an accident or any untoward incident, if it happens to be a lady.

5. In view of the above, this application is allowed. Petition No. A-775/2018 shall stand transferred from the learned Family Court, Nashik to the learned Family Court at Parbhani.

6. The learned Advocate for the husband submits on instructions that if the matter is posted on 08/12/2019 which is a Sunday, it would be convenient for him to appear before the said Court. In view

thereof, the parties shall appear before the learned Family Court at Parbhani on 08/12/2019. The learned Court would accept the request of the respondent for attending the dates preferably on Sundays or by mutual consent.

7. In the event, the said proceedings are not decided by the end of December -2020, the Trial Court would consider deciding the said proceedings expeditiously thereafter.

(RAVINDRA V. GHUGE, J.)

shp/-