

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

922 MISC.CIVIL APPLICATION NO.137 OF 2018

DEEPIKA YOGESH DIKE
VERSUS
YOGESH SUBHASH DIKE

Advocate for Applicant : Mr. S.D. Tawshikar h/f Mr. Shaikh M. A. Jahagirdar

CORAM : **RAVINDRA V. GHUGE, JUDGE**

(Date : 15th MARCH, 2019)

PER COURT :-

1 By order dated 1.3.2019, notice is deemed to be served, in view of the bailiff report. This matter was adjourned on 1.3.2019 only to grant one more opportunity to the respondent to appear.

2 Learned counsel for the applicant submits that, the applicant prays for transferring HMP No.275/2017 from the Court of the learned Civil Judge, Senior Division, Pune to the Court of the learned Civil Judge, Senior Division, Shrirampur.

3 It is submitted that, after the marriage took place on 17.4.2016, the applicant was being harassed. Though an amount of Rs.14 to 15 lakhs was paid by the parents of the applicant, the respondent was not interested in maintaining marital relations with the applicant. Ultimately, she was assaulted and driven out of the house, when she sought for fulfilling the marital obligations. She is presently residing with her parents at Shrirampur.

4 Criminal case No.112/2017 against the respondent is pending before the Court of the learned Judicial Magistrate, First Class at Shrirampur. Another case filed under The Protection of Women from Domestic Violence Act, 2005 is also being worked out at Shrirampur. The proceedings under section 498-A, IPC are also being conducted in the Court at Shrirampur. The applicant has also filed a case, seeking maintenance under Criminal M.A. No.522/2017, which is also pending at Shrirampur. The respondent-husband remains present for the hearing of all these proceedings at Shrirampur.

5 Reliance is placed upon the following Judgments, in support of the case of the applicant:-

- (i) Bismillah w/o Mirza Muzahid Beg versus Mirza Muzahid Beg Aman Beg (2013 (8) LJSOFT 125, (2013 (4) MAH.L.J.435)
- (ii) Sunita Manoj Goud versus Manoj Sagarmal Goud (2013 (5) ALL MR 104
- (iii) Sau Kalpana w/o Pankaj Rozaitkar versus Pankaj Supadu Rozatkar (2013 (6) ALL MR 347
- (iv) Smita w/o Dhananjay Patil versus Dhananjay Krishnakumar Patil (2013 (6) MAH.L.J. 338
- (v) Sandhya w/o Ananta Mane versus Ananta s/o Manohar Mane (2010 (5) LJSOFT 15,
- (v) Irene Blanch Khera & another versus Glenn John Vijay (2018 (6) Mh.L.J. 199

6 In my view, since there are already four cases pending at the Courts at Shrirampur, it would be convenient for the respondent to participate in all the proceedings on common dates. It would be inconvenient for the applicant to attend the

proceeding filed by the husband at Pune when the husband attends four proceedings at Shrirampur.

7 In view of the above, this Application is allowed.

8 HMP No.275/2017 shall stand transferred to the Court of the learned Civil Judge, Senior Division, Shrirampur.

9 Learned Advocate for the applicant submits that one of the proceedings at Shrirampur is already posted on 12.4.2019. As such, the applicant shall appear in the transferred proceedings on the same date i.e. 12.4.2019 at Shrirampur. If the respondent does not appear, the concerned Court would issue notice to cause his appearance. The husband would be at liberty to request all the Courts at Shrirampur to post these matters on common dates, so that he can participate in the said proceedings in common visits.

**(RAVINDRA V. GHUGE),
JUDGE**