

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

MISC.CIVIL APPLICATION NO.148 OF 2019

MANJU VISHAL SONAWANE
VERSUS
VISHAL DILIP SONAWANE

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Advocate for the Applicant : Shri Mundhe Ashok A.

Advocate for the Respondent : Shri Darak B.A.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 04th December, 2019

Per Court:

1 On 23.07.2019, I had heard the learned advocate for the applicant/ wife and had passed the following order :-

"1 *The applicant prays for transferring PA No.469 of 2019, filed by her husband, from the learned Family Court, Pune to the Court of the learned Civil Judge, Senior Division, Ambajogai, District Beed.*

2 *It is submitted that the respondent husband drove away the applicant demanding Rs.10 lakhs. She is living with her parents since then. The applicant has a male child who is about 20 months old. She has preferred a proceeding under section 125, Cr.P.C. before the learned J.M.F.C., Ambajogai, seeking maintenance for herself and the child. The distance between Pune and Ambajogai is more than 400 kilometers and it requires two over night journey to go to Pune to attend the Court proceeding.*

3 *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) *Sayali Swapnil Kuber Vs. Swapnil Harischandra Kuber-[2014(1) Mh.L.J. 584],*
 (vi) *Nilima Vs. Pavansingh - LEX (BOM)2011 9 193 and*
 (vii) *Shila Nitin Rajure Vs. Nitin Marotiappa Rajure - MCA No.184 of 2017 (Aurangabad Bench), dated 9.1.2018.*

- 4 *Issue notice to the respondent, returnable on 30.8.2019.*
- 5 *Until then, the learned Family Court at Pune would adjourn PA. No. 469/2019.*
- 6 *Copy of the application paper book for issuance of notice, shall be supplied on or before 2.8.2019, failing which this application shall stand rejected without reference to the Court on 3.8.2019."*

2 The learned advocate appearing on behalf of the respondent/ husband has filed an affidavit in reply, which is handed over across the Bar. He submits that the wife has unnecessarily left the marital home and has also sought transfer of her employment from Pune to Ambajogai. A male child of about 20 months, born out of the marriage, is also residing with the wife. Salary of the husband is only Rs.26,000/- per month. The proceeding filed by the husband at Pune is for restitution of conjugal rights under Section 9 of the Hindu Marriage Act, 1955. It is reiterated that the husband does not believe in demanding any dowry, has no interest in demanding dowry and is happy if the wife comes back.

3 I find that the distance between Pune and Ambajogai is about 400 kilometers. The applicant/wife will have to undertake at least two overnight journeys to travel to Pune and return back to Ambajogai if she had to attend one date of hearing. It would be cumbersome to carry a 20 months child, inasmuch as, it would be difficult to leave the child at Ambajogai when the applicant travels to Pune.

4 The law has crystallized that in such matters of transfer of proceedings involving a marital discord, the convenience of the parties has to be seen and it has to be assessed as to whether, any party would be put to manifest inconvenience and grave hardship on account of attending the proceeding. I find that the hardship and inconvenience being suffered by the wife are much more in comparison to those of the husband.

5 The learned advocate for the wife submits that if the husband treats her well and gives her the dignity that a wife deserves with love and affection, she would consider saving the marriage.

6 In view of the above, this Miscellaneous Civil Application is allowed. Petition A. No.469/2019 shall stand transferred to the Court of the learned Civil Judge, Senior Division, Ambajogai.

7 It is informed that the proceeding under Section 125 of the Code of Criminal Procedure is scheduled at Ambajogai on 04.01.2020. As such, these parties shall appear in the transferred matter at Ambajogai on the same date. The husband is at liberty to seek common dates in both the

matters at Ambajogai so that he can participate in the said proceedings in his common visits.

8 I deem it appropriate to advise the learned Civil Judge, Senior Division, Ambajogai to refer this matter to the mediator since the possibility of saving the marriage could be explored.

kps

(RAVINDRA V. GHUGE, J.)