

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.164 OF 2018
(Pranita w/o Hanmant Dhulgande Vs. Hanmant s/o Sambhaji
Dhulgande)

Mr.S.S.Londhe, Advocate for the applicant.
Mr.B.G.Deshmukh, Advocate for the respondent.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 02/05/2019

PER COURT :

1. On 29/09/2018, I had passed the following order :-

"1. The applicant wife prays for transferring HMP No. 62 of 2018, filed by the respondent / husband before the Court of the learned Civil Judge S.D. Kandhar to the Court of the learned Civil Judge S.D. Hingoli.

2. It is submitted that after the marriage was solemnized on 20.5.2011, the respondent and his family started harassing the applicant and consequentially she was driven out of her marital home. She has started residing with her parents at Hingoli. The applicant states that it has become difficult for her to travel to Kandhar on every date because of her physical condition and that she has a kid.

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 Sadhgwani 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 respondents, returnable on 21.11.2018. Until then, the Civil Judge S.D., Kandhar would adjourn HMP No. 62 of 2018.*

5. *Copy of the paper book for issuance of notice shall be supplied on/or before 11.10.2018, failing which, this application shall stand rejected without reference to the Court on 12.10.2018.”*

2. On 29/04/2019, after hearing the parties, the following order was passed :-

“1 On 29.09.2018, I had granted ad-interim relief to the applicant/ wife after believing the statements and pleadings that she is residing with her parents at Hingoli, she finds it difficult to travel to Kandhar and her physical condition is such that she cannot undertake the journey.

2 The learned advocate for the respondent/ husband points out that, in the proceedings which are sought to be transferred, the applicant/ wife has been served at her Nanded address. She has also mentioned her

Nanded address in the cause title of this application. My attention is drawn to the copy of the newspaper report appearing in daily "Sakal", Today Nanded, Nanded edition dated 29.07.2018 in which, the news of the public felicitation of the applicant/ wife for having been appointed as the District President of Women's Yuva Malhar Sena, Nanded, has been published. The nature of her activities to be conducted at Nanded is to bring the ladies from the "Dhangar" community together.

3 *This affidavit in reply has been filed on 10.01.2019 and there has been no counter affidavit denying the public felicitation as is reported in the newspaper.*

4 *The learned advocate for the applicant/ wife submits that he would take instructions and make a statement.*

5 *Stand over to 02.05.2019 (Thursday) in the category of "passing orders".*

6 *It is made clear that if this Court concludes that the applicant has misled this Court on 29.09.2018, this court would rely on the judgments delivered by the Honourable Supreme Court in the matters of **Kishore Samrite v/s State of Uttar Pradesh, (2013) 2 SCC 398** and **Bhaskar Laxman Jadhav and others vs. Karamveer Kakasaheb Wagh Education Society and others, (2013) 11 SCC 531** and impose heavy costs."*

3. The learned Advocate for the applicant submits on instructions that she was not attending any meetings at Nanded and her appointment as the District President of an Organization, was just a formality. She is not performing any functions of the said

Organization and she is not required to travel to Nanded to conduct any meetings of the said Organization. An affidavit by way of a rejoinder has been filed setting out these contentions. It is further stated that this proceeding was filed in the High Court on 30/07/2018 and the affidavit for the said purpose was sworn on 22/07/2018 at Hingoli.

4. Learned Advocate for the husband places on record a copy of the appointment letter issued to the applicant which indicates that the applicant is now appointed as the Jilhadhyaksha of the "Yuva Malhar Sena, Maharashtra Rajya Mahila Aaghadi" with the additional charge of the Nanded district. He further submits that he is agreeable to have the proceedings transferred to Nanded since the address of the applicant vide the said appointment letter dated 17/02/2019 is shown to be of the Nanded city.

5. The copy of the said appointment letter is taken on record and marked as "X" for identification.

6. It is thus obvious from the record that though the applicant may be justified in stating that she was appointed by the said Organization in the last week of July 2018, and she had sworn her

affidavit on 22/07/2018, the rejoinder placed on record, makes it evident that the applicant has attempted to mislead this Court by putting forth submissions which have been recorded in the foregoing paragraphs.

7. Since it appears from the record that the applicant is residing at Nanded and the respondent/husband is willing to have the proceedings transferred to the Family Court at Nanded, this application is disposed off. HMP No.62/2018 pending before the Learned Civil Judge, Sr.Judge, Kandhar shall stand transferred to the learned Family Court at Nanded.

8. Both the parties shall appear before the said Court at Nanded on 10/06/2019.

(Ravindra V.Ghuge, J.)