

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.168 OF 2018

VINITA KAILAS PATARE

VERSUS

KAILAS BHAGWAT PATARE

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Advocate for Applicant : Mr.Sandeep D. Munde

Advocate for Respondent : Mr.M.A.Dond Patil h/f

Mr.C.K.Shinde

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CORAM : RAVINDRA V. GHUGE, J.

DATE : 3rd December, 2019.

PER COURT :-

1. I have heard the learned Advocate for the Applicant-Wife and I had passed the order dated 25/10/2018, which reads as under:-

"1. The applicant wife seeks transfer of HMP No.107/2017 filed by the respondent / husband, from the learned Civil Judge, Senior Division, Shrirampur, Dist.Ahmednagar to the learned Civil Judge, Senior Division, Vaijapur, Dist.Aurangabad

2 The applicant with her 2 years old son, is residing with her parents after being

driven out of the marital home. She was harassed and tortured. An adult member of the family has to accompany her to attend the Court proceeding at Shrirampur, Dist.Ahmednagar.

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 14.12.2018. Until then the trial Court will adjourn HMP NO.107/2017.

5 Copy of the petition paper book for issuance of notice shall be supplied and all

objections shall be removed on/or before 01/11/2018, failing which, this application shall stand rejected without reference to the Court on 02/11/2018."

2. The learned Advocate for the husband has opposed this application. There are no proceedings by the wife against the husband. The distance between Shrirampur and Vaijapur is not too much.

3. I find that the applicant has a two years old son. She is residing with her parents in a village in Taluka Gangapur, District Aurangabad. It would cause inconvenience and grave hardships to the applicant to travel to Shrirampur by carrying her child along with an escort. The distance between two places is about 60 k.m.

4. Considering the law cited, the convenience of the wife has to be considered and if the husband is not put to hardships or inconvenience, the request of the wife to transfer the proceeding would be accepted.

5. Considering the above, this application is allowed and H.M.P. No.107/2017 shall stand transferred from the Court of the learned Civil Judge, Senior Division, Shrirampur, Dist Ahmednagar to the learned Civil Judge, Senior Division, Vaijapur, Dist. Aurangabad.

6. Needless to state, the husband is at liberty to request the Trial Courts to post both the matters between parties, one at Vaijapur and one at Gangapur, which is at a distance of 20 k.m., on the same date, so that the husband can participate in the said proceedings in his common visits.

7. By the consent of the parties, they shall appear before the learned Court at Vaijapur on 16/12/2019 and formal notices need not be issued.

(RAVINDRA V. GHUGE, J.)

SSTare