

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

MISC.CIVIL APPLICATION NO.165 OF 2018

**PUNAM KAILAS JAISWAL
VERSUS
KAILAS TARACHAND JAISWAL**

...
Advocate for the Applicant : Shri V. P. Latange

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 27th MARCH, 2019.

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PER COURT :

1. This matter has been adjourned on a number of occasions. None present for the respondent husband.

2. On 17/10/2018, I had passed the following order :

"1. The applicant / wife seeks transfer of Petition No. A-272/2018 filed by the respondent / husband, from the learned Family Court, Aurangabad to the Court of learned Family Court, Ahmednagar.

2. The applicant, after being driven out of the marital home, is residing with her brother at Ahmednagar, who is working as a labourer. She has nobody to support her and she cannot bear the expenses to travel to Aurangabad. She was harassed and tortured. An adult member of the family has to

accompany her to attend the Court proceeding at Aurangabad.

3. Reliance is placed upon the following judgments :-

- (i) Vennangot Anuradha Samir Vs. Vennangot Mohandas Samir [2016 (1) Bom.C.R.250],
- (ii) Soma Choudhury Vs. Gourab Choudhury (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,
- (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 would adjourn Petition No. A-272/2018.

5. Copy of the paper book for issuance of notice shall be supplied and all objections shall be removed on/or before 25.10.2018, failing which, this application shall stand rejected without reference to the Court on 26.10.2018."

3. It is settled law *insofar* as such matters are concerned, that the personal inconvenience and hardships of the wife may be considered. If the husband can cite reasons indicating that it is impossible for him to participate in the proceedings at the place of choice of the wife, such cases can be looked at differently. The applicant wife has already initiated criminal proceedings before the learned Chief Judicial Magistrate, Ahmednagar, in July 2018.

4. Considering the above, it would be appropriate to transfer the proceedings filed by the husband at Aurangabad to the Family Court at Ahmednagar.

5. This application is, therefore, allowed. Petition No. A-272/2018 shall stand transferred from the Family Court, Aurangabad to the Family Court at Ahmednagar.

6. The applicant shall appear before the Family Court at Ahmednagar on 08/04/2019. Notice be issued by the Family Court to secure the presence of the respondent.

7. Liberty is granted to the respondent husband to request for posting both the proceedings on common dates at Ahmednagar so that he can participate in such proceedings in common visits.

(RAVINDRA V. GHUGE, J.)

shp/-