

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISCELLANEOUS CIVIL APPLICATION NO.151 OF 2018

Kalyani Atul Vidhate

Applicant

Versus

Atul Khandu Vidhate

Respondent

Mr.P.P. Kothari, advocate for the applicant (A)

Mr.V.V. Tarde, advocate h/f Mr. R.A. Tambe, advocate for Respondent

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

(Date : 20th March, 2019)

PER COURT :-

1 On 29.8.2018, I had passed the following order:-

“1. The applicant prays for transferring petition No.A-1884 of 2018, filed by the respondent / husband from the Family Court at Bandra to the Family Court at Ahmednagar.

2 It is submitted that the applicant presently resides with her parents at Ahmednagar after being driven out from the marital home pursuant to harassment. She has to undertake an overnight journey from Ahmednagar to Mumbai and an adult member of the family has to accompany her.

3 Reliance is placed upon the following judgments:-

- (I) Vennangot Anuradha Samir Vs. Vennangot Mohandas Samir {2016 (1) Bom.C.R.250}*
- (ii) Soma Choudhari Vs. Gourab Choudhary (2004) 13 SCC 462*
- (iii) Anjali Ashok Sadhwani Vs. Ashok Kishinchnd Sadhwani, AIR 2009 (SC) 3584*
- (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) 3022 9 193 and*
- (vii) *Shila Nitin Rajure Vs. Nitin Marotiappa Rajure*
mca No.184 of 2017 (Aurangabad Bench), Dt.9.1.2018.

4. *Issue notice to the respondent, returnable on 11.10.2018. Until further orders, the learned Family Court at Bandra, Mumbai shall adjourn the pending proceedings between the parties.*

5 *Copy of the petition paper book shall be supplied on/or before 5.9.2018 for issuing notices, failing which the ad-interim protection granted today shall stand vacated on 7.9.2018. ”*

2 The learned Advocate for the respondent Mr. Tarde has strenuously opposed this application and prays that, the application be dismissed with heavy costs. It is contended that, false allegations are made against the respondent. He never harassed the applicant. These proceedings have been initiated only to cause further harassment to the respondent. The applicant can conveniently attend the proceedings at Bandra.

3 It is settled law that, in such matters, the convenience of the wife and hardships likely to be suffered by her are to be considered. If the husband can cite reasons, which would indicate that, it is not possible for him to attend the proceedings, at the place of choice of the wife, the matter can be looked at differently.

4 The applicant wife has initiated two proceedings at Ahmadnagar under section 12 of the Protection of Women from Domestic Violence Act and under section 498-A of the IPC. The

husband attends the said proceedings. As such, I do not find it proper to continue the proceedings filed by the husband at the Family Court at Bandra and compel the applicant to travel for attending the said proceedings at Bandra, when the respondent husband travels to Ahmednagar to attend the two proceedings.

4 This application, is therefore, allowed.

5 Petition No.A-1884/2018 shall stand transferred to learned Family Court at Ahmednagar. The litigating side shall appear before the Court at Ahmednagar on 10.4.2019, along with the proceedings under the Protection of Women from Domestic Violence Act, which is posted on the said date. Consequently, the proceedings under section 498-A posted on 3.4.2019 at Ahmednagar shall be adjourned and shall be posted on the same date i.e. 10.4.2019.

6 The respondent-husband is at liberty to pray for common dates, in all the matters, so that he can participate in all these matters, in his common visits to Ahmednagar.

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