

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.171 OF 2018

POOJA ROHAN JADHAV
VERSUS
ROHAN RAMESH JADHAV

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Advocate for Applicant : Shri Shah M.S.
Advocates for Respondent : Shri Maske U.M. & Shri Ghatol Patil S.B.

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CORAM : RAVINDRA V. GHUGE, J.

Dated: January 11, 2019

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PER COURT :-

1. On 29.9.2018, the following order was passed:-

"1. The applicant wife prays for transferring HMP No.A-86 of 2018, filed by the respondent / husband before the Family Court at Nasik, to the Family Court at Aurangabad.

2. It is submitted that after the marriage was solemnized on 25.5.2016, 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 Aurangabad. She has preferred a case bearing DVA No. 750 of 2017 and Criminal M.A.No. 110 of 2018 at Aurangabad. The respondent / husband attends these proceedings. The applicant has to be accompanied by a adult member for attending the Court proceedings at Nasik.

3. Reliance is placed upon the following judgments:-

(2)

- (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 Family Court at Nasik would adjourn HMP No.A-86 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. Learned Advocate for the applicant submits that the application for seeking travelling expenses filed before the Court at Nasik, has been withdrawn.

3. Learned Advocate for the respondent / husband submits that the respondent is a poor person. He is already appearing in the two cases at Aurangabad, which are filed by the wife. If the case in hand is also transferred to Aurangabad, relief be granted to the husband to pray for listing all the three cases on common dates at Aurangabad in order to reduce the expenses of the husband.

4. In the light of the above, this application is allowed and HMP No. A-86 of 2018 stands transferred from the Family Court, Nasik to the Family Court, Aurangabad. The husband shall appear before the concerned Court on 28.1.2019. The matter posted on 17.1.2019 will be adjourned to 28.1.2019 and the husband need not remain present on 17.1.2019. The concerned three Courts are expected to post these three matters on common dates so as to make it convenient for the husband to attend the three proceedings on common dates at Aurangabad.

5. Since the differences between the couple do not appear to be serious, the Family Court, Aurangabad or the other concerned Courts may refer the dispute to a trained mediator, so as to explore the

possibility of saving a marriage. The mediation be caused with promptitude and in the event it fails, the Courts may, thereafter, proceed with the pending three cases.

(RAVINDRA V. GHUGE, J.)

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