

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

MISCELLANEOUS CIVIL APPLICATION NO.196 OF 2019

MAYAWATI W/O SHANKAR GANGASAGRE

VERSUS

SHANKAR JAYRAM GANGASAGRE

...

Advocate for Applicant : Mr.S.S.Bhosale

Advocate for Respondent: Mr.B.G.Londhe

...

CORAM : RAVINDRA V. GHUGE, J.

DATE : 26th November, 2019.

PER COURT :-

1. On 09/09/2019, I had passed the following order:-

"1. The Applicant wife seeks transfer of HMP No. 869/2019 from the Court of the learned Civil Judge Senior Division, Kalyan to the Court of the learned Civil Judge Senior Division Bhokar. No child is born from the marriage. No proceedings are filed at Bhokar. The applicant has to travel from Bhokar to Nanded and then Nanded to Kalyan

which is a distance of almost 500 kms. and she requires more than two overnight journeys to travel to Kalyan.

2. 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) Sumita Singh vs. Kumar Sanjay - (2001) 10 SCC 41 : AIR 2002 SC 396,

(vi) Mahadevi Mehtre vs. Gopal - 2015 (5) AIR Bom. 250,

(vii) Mona Aresh Goel vs. Aresh Satya Goel - 2000 (9) SCC 255 : AIR 2000 SCW 2652,

(viii) *Ravinder Kaur vs. Hitinder Singh - AIR 2000 SC 3403,*

(ix) *Rena Gautam vs. Vinod Gautam - AIR 2000 SC 3405,*

(x) *Reena Mehra vs. Rohit Rai Mehra - AIR 2003 SC 1002,*

(xi) *Rakhi Banerjee vs. Subhankar Mukherje - AIR 2009 SC 928,*

(xii) *T.Gayatri Devi vs. Tallepaneni Sreekanth - 2013 (6) Bom. C.R. 119 (SC),*

(xiii) *Anita Balkrishna Barge vs. Balkrishna Sopan Barge - 2011 (3) Bom. C.R. 866 (Aurangabad Bench) and*

(xiv) *Smita Dhananjay Patil vs. Dhananjay Krishnakumar Patil - 2013 (5) Bom.C.R. 694 (Aurangabad Bench).*

3. *Issue notice to the respondent, returnable on 21/10/2019. Until then, the learned Civil Judge Senior Division, Kalyan, would adjourn HMP No. 869/2019.*

4. *Copy of the application paper book,*

shall be supplied for issuing notice, on or before 20/09/2019, failing which, this application shall stand rejected without reference to the Court on 21/09/2019."

2. The learned Advocate for the respondent-husband has filed an affidavit-in-reply and submits that the respondent is working in the Bombay Municipal Corporation. He is not frequently granted leave. There are no proceedings filed by the applicant-wife at Bhokar or Nanded.

3. On the issue, as to whether the husband is ready to pay taxi fare for the applicant and one accompanying adult member of the family to travel from Bhokar to Kalyan and return back to Bhokar, which is a total journey of 1000 kms., the learned Advocate for the husband is not agreeable.

4. In such matters, the Court has to consider the comparative hardships and the convenience of the parties. In the instant case, the applicant, who is a

lady, will have to be accompanied by an adult member of the family and travel about 1000 kms. to make a complete journey from Bhokar to Kalyan and back to Bhokar. The husband is not ready to pay the taxi fare.

5. In view of the above, this application is allowed. HMP No.869/2019 shall stand transferred from the Court of the learned Civil Judge Senior Division, Kalyan, District Thane to the Court of the learned Civil Judge Senior Division, Bhokar, District Nanded.

6. The litigating sides agree to appear before the learned Court at Bhokar on 12/12/2019. Formal notices need not be issued.

(RAVINDRA V. GHUGE, J.)

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