

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.189 OF 2018

POONAM RUSHIKESH SAOJI
VERSUS
RUSHIKESH RATNAKAR SAOJI

Ms.S.M.Zaware, Advocate for the applicant.
Mr.A.J.Bhat, Advocate for the respondent.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 22/08/2019

PER COURT :

1. On 29/09/2018, I had passed the following order :-

“1. The applicant wife prays for transferring HMP No. 246 of 2018, filed by the respondent / husband before the Family Court at Pune, to the Court of the Civil Judge S.D. Shrirampur.

2. It is submitted that after the marriage was solemnized on 4.6.2015, 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 Shrirampur. The applicant has to travel 185 Kms. for attending the case and she has to be accompanied by an adult member for attending the Court

proceedings at Pune.

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 respondents, returnable on 21.11.2018. Until then, the Family Court at Pune would adjourn HMP No. 246 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.*

6. *All office objections shall be removed on/or before 11.10.2018.*

Failure to do so would result into dismissal of this application on 12.10.2018.”

2. The learned Advocate for the respondent/husband submits that the mediation proceedings have failed. The applicant was earlier residing at Pune. Both of them are Software Engineers. Only to harass the husband, she has moved to Shrirampur and has filed 2 cases under the Protection of Women from Domestic Violence Act, 2005 and u/s 125 of the Cr.P.C. at the Courts in Shrirampur. He submits that the conduct of the wife is not appreciable and the husband is refusing to continue with this marriage.

3. The learned Advocate for the applicant/wife submits in rebuttal that the husband has a high profile job in a Multi National Company. He has started liking the company of the female employees working with him. She is willing to forget the past events if the respondent/husband promises her of loyalty and togetherness in marriage. The learned Advocate for the husband denies the allegations and submits that he does not desire to continue with the marriage. He insists that this application be rejected and the applicant should attend the proceedings filed by him at Pune by travelling to Pune, notwithstanding that he is travelling to

Shrirampur to attend the proceedings filed by her.

4. The Law in such marital matters is crystallized. Comparative hardships of the litigants has to be assessed. I do not find it to be a worthy submission that the wife should attend one proceeding at Pune and the husband should travel to Shrirampur to attend the 2 proceedings filed by the wife. It would be appropriate to have the proceedings at one place. If the proceedings filed by the husband are transferred to Shrirampur, he can be granted the liberty to participate in the 3 proceedings on common dates in common visits to Shrirampur.

5. In the light of the above, this application is allowed. HMP No.246/2018 shall stand transferred to the Court of the learned Civil Judge, Sr.Division, Shrirampur.

6. Since the other matters at Shrirampur are posted on 29/08/2019, these litigating sides shall appear in the transferred matter before the Shrirampur Court on the same date, which is 29/08/2019.

7. The husband is at liberty to pray for common dates in all the matters so that he can participate in the said proceedings in his

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common visit to Shrirampur.

(Ravindra V.Ghuge, J.)