

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

MISC. CIVIL APPLICATION NO.184 OF 2018

**ANITA RAVINDRA DUPARE
VERSUS
RAVINDRA DEVAJI DUPARE**

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Advocate for the Applicant : Shri S. S. Patil
Advocate for the Respondent sole : Shri N. L. Choudhari

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 27th MARCH, 2019.

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PER COURT :

1. On 24/10/2018, I had passed the following order :-

"1 The applicant wife seeks transfer of HMP No. A-390 of 2018, filed by the respondent / husband, from the Family Court Nashik to Family Court at Dhule.

2 The applicant is residing with her parents after being driven out of the marital home. She was harassed and tortured. An adult member of the family has to accompany her to attend the Court proceedings at Nashik,.

1. 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 respondent, returnable on 14.12.2018. Till then, the trial Court will adjourn HMP No. A-390 of 2018.*

5 *Copy of the paper book for issuance of notice shall be supplied and all objections shall be removed on/or before 1.11.2018, failing which this application shall stand rejected without reference to the Court on 2.11.2018."*

2. The learned Advocate for the respondent husband has strenuously opposed this application. He submits that his father is 69 years of age and is a heart patient. His mother is a diabetic. He is unemployed. Distance between Dhule and

Nashik is just 175 kms. and the applicant can travel to Nashik.

3. The learned Advocate for the applicant wife submits that besides her parents being aged, her eight years old girl child living with her, is school going and the applicant has to take care of her day to day needs and look after her requirements. Two proceedings initiated by the wife are pending before the Courts at Dhule and the respondent husband attends the proceedings. It would be an unnecessary hardship to the applicant to travel to Nashik in one matter filed by the respondent, when the respondent attends two cases by travelling to Dhule.

4. Considering the above, this application is allowed. HMP No.A-390/2018 shall stand transfer to the Family Court at Dhule.

5. Both the litigating sides shall appear before the Family Court at Dhule on 15/04/2019. Notice be issued by the Family Court to secure the presence of the respondent. Liberty is granted to the husband to seek an adjournment in the other

two matters so as to be posted on common dates at Dhule which would enable him to participate in all the three proceedings in his common visits.

(RAVINDRA V. GHUGE, J.)

shp/-