

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO. 205 OF 2018

SONALI ABHIJIT KANKARIA  
VERSUS  
ABHIJIT POPATLAL KANKARIA

Advocate for Petitioner : Mr. N.C. Garud.  
Advocate for Respondent : Mr. A.J. Bhat.

CORAM : RAVINDRA V. GHUGE, J.  
Dated : 26.02.2019

PER COURT :

1. On 12.10.2018, while issuing notice, this Court had observed in its order as under :

*“1. The applicant /wife seeks transfer of P.A.No.946/2017 filed by the respondent / husband, from the learned Family Court, Pune to the Court of the learned Family Court at Ahmednagar.*

*2 The applicant alongwith her two kids, are 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 proceeding 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 respondent, returnable on*  
*7.12.2018. Until then the trial Court will adjourn*  
*P.A.No.946/2017.*

5 *Copy of the paper book for issuance of notice shall*  
*be supplied and all objections shall be removed on/or*  
*before 23.10.2018, failing which this application shall*  
*stand rejected without reference to the Court on*  
*24.10.2018.”*

2. Learned advocate for the respondent/husband has strenuously

opposed this application. It is contended that an application has been filed by the applicant/wife PA No. 931/2018, in which she has prayed for interim maintenance. That application has been filed on 11.09.2018 and this petition has been filed on 10.09.2018. He, therefore, makes a grievance that on the one hand, the applicant has moved this Court for seeking a transfer and on the other hand, she has preferred an application for maintenance.

3. The record reveals that the applicant/wife had initiated PA No. 162/2018 and PA No. 370/2018, before the competent Courts at Ahmednagar. The respondent/husband attends the said proceedings.

4. It is settled law that in matters of marital discord, normally the convenience of the wife has to be considered. Only if the husband can cite reasons indicating that it would be impossible for him to attend the proceedings at the place of the choice of his wife, that an alternative order could be passed by the Court. I do not find that such reasons have been cited by the respondent/husband. So also, when two matters are already pending at Ahmednagar, it would be appropriate to have all the matters at one place rather than the husband travelling to Ahmednagar in two proceedings and the wife travelling to Pune in another proceeding.

5. In view of the above, this application is allowed. PA No. 946/2017, shall be transferred to the Family Court at Ahmednagar. The litigating sides shall appear before the Family Court at Pune on 07.03.2019, as the other proceedings are already posted at Ahmednagar on that date. The husband would be at liberty to request all the Courts at Ahmednagar, to post all the matters on common dates, so as to participate in all the proceedings in single visits to Ahmednagar.

( RAVINDRA V. GHUGE, J. )

S.P.C.