

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.181 OF 2017

SHITAL ANUP SOLANKI
VERSUS
ANUP JASWANT SOLANKI

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Advocate for Applicant : Shri Sanap R.D.
Advocate for Respondent : Shri Biradar C.D.
h/f Shri Bhalke D.M.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: February 14, 2019

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PER COURT :-

1. Heard learned Advocates for the respective sides at length.
2. The marriage of the applicant and the respondent was solemnized on 30.6.2010. During the pregnancy of the wife, she was driven out of the home. As she gave birth to a girl child, she was not permitted to join her husband. Presently she is staying with her parents at Beed and the child born out of the wedlock is admitted in Pune for education.
3. It is further submitted that a proceeding under the Protection of Women from Domestic Violence Act, 2005 was initiated at Beed. The respondent had participated in the said proceeding. He had approached the Sessions Court in Appeal and the said Appeal has

also been disposed off.

4. The distance between Kalyan, District Thane and Beed is more than 350 kms. requiring two overnight journeys and an adult member has to accompany her.

5. 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.

6. Learned counsel for the husband contends that the wife is presently residing at Pune. Transferring the proceedings at Pune would be convenient to both the sides. Assistance of Video Conferencing could also be taken and the applicant / wife can participate in the proceedings instituted by the husband through Video Conferencing.

7. I had considered the differences between the parties and especially in the light of the contention of the husband that the wife suffers from low blood pressure, she lights the gas pan and keeps talking to relatives etc. Hence, I referred the matter to the Mediator and the report submitted indicates that the Mediation has failed.

8. Learned counsel for the husband submits that presently, the husband suffers from depression and is unemployed. A report of a hospital is placed on record which indicates that he becomes forgetful, he has an headache and is advised medication.

9. It is well settled that in such matters, the convenience of the wife is to be considered unless the husband can cite such reasons which would indicate that he would unable to leave his place of residence and attend the proceedings at the choice of the wife, either due to his work exigencies or if he is medically immobilized. I see none of these circumstances.

10. Learned counsel for the wife submits that if she was residing at Pune, she would not have a sought a transfer to Beed, which would equally cause hardships to her. She is presently at Beed and hence, it is prayed that the proceedings be transferred to Beed.

11. Considering the above, this application is allowed. Marriage Petition No.440 of 2015 shall stand transferred to the Court of the learned Civil Judge S.D., Beed. In the event any other matter is still pending at Beed, the husband is at liberty to pray for posting his matters on common dates, which would make him convenient to attend the said proceedings on such dates.

12. The litigating sides shall appear before the concerned Court at Beed on 11.3.2019. The option of once again making an attempt to resolve the matter, by mediation, is kept open.

(RAVINDRA V. GHUGE, J.)

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