

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.239 OF 2018

SUJATA PRAKASH BHUREWAR
VERSUS
DR. PRAKASH RAMCHANDRA BHUREWAR

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Advocate for Respondent : Shri Wagh M.R.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: March 11, 2019

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PER COURT :-

1. On 27.11.2018, I had passed the following order:-

"1. The applicant / wife, who is about 55 years of age seeks transfer of petition No.A-79 of 2018 filed by the respondent / husband who is more than 60 years of age from the Family Court at Aurangabad to the Family Court at Pune.

2. The marriage between the two has taken place on 23.5.1983. Three children are born out of the said marriage and all of them are now married and settled in life. The respondent is a Medical Practitioner who has retired from medical service. Allegations of physical assault is a subject matter of a report dated 5.6.2017 under Sections 5 and 17 of the Protection of Women from Domestic Violence Act, 2005. The applicant is presently residing with her son at Pune.

3. *Issue notice to the respondent, returnable on 11.1.2019. Until then the Family Court will adjourn A-79 of 2018.*

4. *Copy of the paper book for issuance of notice shall be supplied and all objections shall be removed on/or before 5.12.2018, failing which this application shall stand rejected without reference to the Court on 6.12.2018.*

5. *Parties to note that this Court may consider referring of this matter to the trained Mediator after the respondent appears in the matter."*

2. None present for the applicant.

3. I have heard the strenuous submissions of the learned Advocate for the respondent, who denies all allegations levelled upon him by the wife. It is denied that he has caused physical and mental torture and harassment. It is denied that the wife used to be beaten up, resulting in physical injuries.

4. I find that the respondent is now a retired officer from Medical Service. The convenience of the wife in such circumstances, will have to be considered, in the light of 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.

5. There are no circumstances cited, which would indicate that the husband would not be able to attend the proceedings at the place of the choice of the wife. The applicant / wife is a senior citizen and is presently residing with one of her married children at Pune.

6. In view of the above, this application is allowed. Petition No. A-79 of 2018 shall stand transferred to the Family Court at Pune. Both the parties shall appear before the said Court on 1.4.2019.

7. The respondent / husband is at liberty to seek common dates in the matters pending at Pune so as to participate in all the matters in common visits.

(RAVINDRA V. GHUGE, J.)

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