

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.233 OF 2018
(Sheetal Sachin Shirse Vs. Sachin Gorakshanath Shirse)

Mr.A.G.Vasmatkar, Advocate for the applicant.
Mr.S.B.Darwande h/f Mr.S.G.Chapalgaonkar, Advocate for the respondent.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 02/05/2019

PER COURT :

1. While issuing notice, I had passed the following order on 24/11/2018 :-

"1 The Applicant/ wife seeks transfer of Petition No.A-262/2018 pending before the learned Family Court at Aurangabad, filed by the Respondent/ husband, to the learned Family Court at Nashik.

2 It is submitted that after some days of the marriage, the Respondent/ husband and his relatives started ill-treating and harassing the Applicant/ wife for one reason or the other. The Applicant/ wife was deserted by the Respondent/ Husband since the Applicant could not fulfill the unlawful demands and since then, the Applicant is residing along with her parents. Due to the said harassment and ill-treatment, the Applicant suffered an abortion. The distance between Aurangabad and Nashik is about 185 kilometers. The Respondent/Husband attends the proceedings at Nashik, which have been initiated by the Applicant/ Wife.

3 Reliance is placed upon the following judgments :-

- (a) *Sumita Singh vs. Kumar Sanjay*, (2001) 10 SCC 41 : AIR 2002 SC 396.
- (b) *Mahadevi Mehtre vs. Gopal*, 2015 (5) AIR Bom. 250.
- (c) *Mona Aresh Goel vs. Aresh Satya Goel*, 2000 (9) SCC 255 : AIR 2000 SCW 2652.
- (d) *Ravinder Kaur vs. Hitinder Singh*, AIR 2000 SC 3403 (2).
- (e) *Rena Gautam vs. Vinod Gautam*, AIR 2000 SC 3405 (1).
- (f) *Soma Choudhury vs. Gourab Choudhary* (2004) 13 SCC 462.
- (g) *Anjali Ashok Sadhwani vs. Ashok Kishinchand Sadhwani*, AIR 2009 SC 1374.
- (h) *Vaishali Shridhar Jagtap vs. Shridhar Vishwanath Jagtap*, AIR 2016 SC 3584.

4 *Issue notice to the Respondent returnable on 11.01.2019.*

5 *Until then, the concerned Court would adjourn Petition No.A-262/2018.*

6 *The copy of the application paper book shall be supplied for issuance of notice, as well as, office objections, if any, shall also be removed, on or before 06.12.2018, failing which, this application shall stand rejected without reference to the Court on 07.12.2018.”*

2. Learned Advocate for the husband submits, while conceding that there are several proceedings filed by the wife before the Courts at Nasik, that these proceedings are aimed at harassing him. He has

now lost his job because of his family disturbances. He does not desire to live as husband and wife with the applicant.

3. The record reveals that the husband is attending all the proceedings instituted by the wife at Nasik. There are no circumstances cited which would convince me that the proceedings instituted by the husband should not be transferred to Nasik. In fact, it would not serve any purpose in directing the wife to attend one proceeding at Aurangabad when the husband is participating in 3 proceedings at Nasik.

4. In view of the above, this application is allowed. The Divorce Petition No.A-262/2018 pending before the Family Court at Aurangabad shall stand transferred to the Family Court at Nasik. Since a date of hearing in one of the proceedings between the parties at Nasik is scheduled on 21/05/2019, the litigating sides shall appear before the Family Court at Nasik on 21/05/2019.

5. The husband is at liberty to pray for common dates in all the matters at Nasik so that he can participate in such matters in his common visits.

(Ravindra V.Ghuge, J.)