

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.246 OF 2018
(Jyoti w/o Vaibhav Chaudhari Vs. Vaibhav Sukram Chaudhari)

Mr.A.M.Gholap, Advocate for the applicant.
Respondent – Party in person.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 28/06/2019

PER COURT :

1. On 10/12/2018, I had passed the following order :-

“1 The applicant wife seeks transfer of HMP No. 286 of 2018, pending in the Court of Civil Judge S.D., Jalgaon, filed by the respondent / husband, to the Family Court, at Aurangabad.

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 Jalgaon. It is further stated that there is no child born out of the said wedlock. The respondent husband attends the hearings at Aurangabad in two cases i.e. one under the Domestic Violence Act and another filed under Section 498A of the Indian Penal Code.

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 11.1.2019. Until then the trial Court will adjourn HMP No. 286 of 2018.*

5 *Copy of the paper book for issuance of notice shall be supplied and all objections shall be removed on/or before 21.12.2018, failing which this application shall stand rejected without reference to the Court on 22.12.2018.*

6 *The office objection as regards the number of proceedings is dispensed with."*

2. On the request of the applicant and the respondent/husband in person, I allowed the parties to address the Court in my chambers.

3. After a prolonged discussion between the parties in the presence of the learned Advocate Mr.Gholap, it does not appear that they are able to find a resolution to their ongoing dispute.

4. It is undisputed that 2 proceedings initiated by the wife are pending at Aurangabad and the respondent/husband participates in the said proceedings in person. He desires that as he attends the 2 proceedings filed by the wife at Aurangabad, she should also attend HMP No.286/2018 filed by him at Jalgaon. He contends that the convenience of the husband should be seen and the Law favours the husband in such matters.

5. I find that the submissions of the husband in person are misconceived. In matters of such nature, the convenience of the wife has to be considered, in as much as, comparative hardships of all the litigating sides surely have to be taken into account. It would be purposeless to call upon the applicant to travel to Jalgaon for attending the proceedings when the husband himself travels to Aurangabad for attending 2 proceedings.

6. In the light of the above, this application is allowed.

HMP No.286/2018 shall stand transferred from the Court of the learned Civil Judge, S.D. Jalgaon to the learned Family Court, at Aurangabad.

7. The respondent in person makes a request that the Trial Courts may be requested to post all the matters on common dates at Aurangabad so that he can attend the cases in his common visits. He further requests that the learned Family Court, Aurangabad be requested to decide the proceedings within a time frame.

8. Learned Advocate for the applicant has no objection.

9. As such, all the cases between the parties before the Courts below shall be posted on common dates at Aurangabad for the convenience of the husband. The Family Court, Aurangabad would endeavour to decide the transferred proceedings within 18 months.

(Ravindra V.Ghuge, J.)