

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.254 OF 2018
(Sandhya Rahul Govind Vs. Rahul Shankar Govind)

Mr.S.S.Pidgewar h/f Mr.N.L.Choudhari, Advocate for the applicant.
Mr.M.S.Kulkarni, Advocate for the respondent.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 04/03/2019

PER COURT :

1. While issuing notice on 15/12/2018, I had passed the following order :-

"1 The Applicant/ wife prays for transferring HMP No.619/2018 filed by the Respondent/ Husband before the learned Civil Judge, Senior Division, Pune to the Court of the learned Civil Judge, Senior Division, Dhule.

2 It is submitted that the marriage was solemnized on 07.12.2008 and out of the wedlock, the couple had two daughters, elder daughter is 08 years old and younger daughter is 8 months old. However, the Respondent/ husband and his relatives started ill-treating and harassing the Applicant/ wife for one reason or the other. The Applicant/ wife was compelled to leave the marital home and since then, the Applicant is residing along with her parents. The distance between Dhule and Pune is about 375 kilometers and it requires two overnight journeys for the Applicant to attend the proceedings. Being a lady, an adult

member of the family has to accompany her. Criminal Case under Section 12 of the Protection of Women from Domestic Violence Act, 2005 is filed at Dhule.

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 Sadwani*, AIR 2009 SC 1374.

(h) *Vaishali Shridhar Jagtap vs. Shridhar Vishwanath Jagtap*, AIR 2016 SC 3584.

(i) *Reena Mehra vs. Rohit Rai Mehra*, AIR 2003 SC 1002.

(j) *Rakhi Banerjee vs. Subhankar Mukherje*, AIR 2009 SC 928.

(k) *T.Gayatri Devi vs. Tallepaneni Sreekanth*, 2013 (6) Bom. C.R. 119 (Supreme Court).

(l) Anita Balkrishna Barge vs. Balkrishna Sopan Barge, 2011 (3) Bom. C.R. 866 (Aurangabad Bench).

(m) Smita Dhananjay Patil vs. Dhananjay Krishnakumar Patil, 2013 (5) Bom.C.R. 694 (Aurangabad Bench).

(n) Kalpana Pankaj Rozatkar vs. Pankaj Supadu Rozatkar, 2013 (6) Bom.C.R. 161 (Aurangabad Bench).

(o) Sayali Swapnil Kuber vs. Swapnil Harischandra Kuber, 2014 (1) Mh.L.J. 584 (Nagpur Bench).

4 *Issue notice to the Respondent returnable on 01.02.2019.*

5 *Till then, the concerned Court shall adjourn HMP No.619/2018.*

6 *The copy of the application memo for issuance of notice, if already not supplied, shall be supplied and the office objection, if any, shall also be removed on or before 21.12.2018, failing which, this application shall stand rejected without reference to the Court on 22.12.2018.”*

2. The learned Advocate for the respondent/husband has strenuously opposed this application. Though he fairly states that MA No.915/2018 and RCC No.558/2018 filed by the applicant/wife are in progress at Dhule and he is attending the proceedings, he is willing to offer expenses to the wife for travelling by State Transport Bus.

3. The learned Advocate for the applicant submits that the elder daughter is attending school and the younger daughter is only 8 months old. She requires 2 overnight journeys to travel a distance of 375 kms. from Dhule to Pune.

4. Considering the above, this application is allowed. HMP NO.619/2018 stands transferred from the learned Civil Judge, S.D. Pune to the Court of the learned Civil Judge, S.D. Dhule. The litigating sides shall appear before the said Court on 20/03/2019 and formal notices are not necessary.

5. Liberty is granted to the husband in view of the submission of his learned Advocate, to request all the concerned Courts in Dhule to post all the matters on common dates so that the husband can attend all the proceedings in common visits. The applicant/wife would not oppose this request.

(Ravindra V.Ghuge, J.)