

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

65 MISC.CIVIL APPLICATION NO.145 OF 2018

RAVEENA PRADIP KAMBLE
VERSUS
PRADIP PRAKASH KAMBLE

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Advocate for Applicant : Mr. S.P. Salgare h/f Mr. Gaware Niteen V.
Advocate for Respondent : Mr. P.B. Shirsath

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CORAM: ROHIT BABAN DEO, J.

Date: JANUARY 27th, 2020

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PER COURT :-

1 Heard.

2 The order dated 13.1.2020 reads thus:-

" I have heard learned Counsel for some time.

2. Considering that both wife and husband apprehend that they would be physically harmed if the proceedings are held at Bandra or Shrigonda, District Ahmednagar, I find it appropriate that the parties, with the assistance of respective learned Counsel, shall make an attempt to get transferred the litigation to some other convenient place. Learned Counsel for the non-applicant husband has suggested that the proceedings can be transferred at Karmala, District Solapur which is at a distance of 70 to 80 kms from Shrigonda.

3 Learned Counsel for the applicant states that he is not aware of the distance between Karmala and Shrigonda. Learned Counsel further states that at any date he would seek instructions from the applicant-wife on the proposal.

4. Stand over to 21st February, 2020. Interim relief granted earlier to continue till then. "

3 Today, while the applicant who is present in Court states

that the Bandra matter can be transferred to Ahmednagar, on instructions from non-applicant, the learned counsel for the non-applicant husband states that instead of Ahmednagar, the proceedings be transferred to Karmala.

4 The proposal to shift the proceedings at a relatively neutral place was mooted since both the husband and wife have complained that they were intimidated and assaulted at various point of time in the earlier litigation.

5 In my considered view, since the earlier petition which was instituted by the husband under section 3 of the Hindu Marriage Act 1955 was transferred from Bandra to Ahmednagar with the consent of the husband, it would be appropriate to transfer the petition under section 11 of the Hindu Marriage Act to Ahmednagar. I have not come across any material on record to suggest that the non-applicant husband was either assaulted or otherwise threatened or intimidated at Ahmednagar. Presently, there is no reason to assume that the non-applicant husband shall be threatened if the petition pending at Bandra is shifted to Ahmednagar. In the event, if there is any unfortunate incident or if there is any genuine apprehension of harm to the physical safety, it is always open for the non-applicant to move an appropriate motion.

6 While the request of the applicant wife for transferring the

Petition No.A-814/2016 from Bandra to Shrigonda is rejected, it is directed that Petition No.A-814/2016 be transferred to the Court of Civil Judge, Senior Division, Ahmednagar. The transferee Court is requested to decide the petition as expeditiously as possible and in any event within one year from the date of receipt of the record.

(ROHIT BABAN DEO, J)

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