

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

51 MISC.CIVIL APPLICATION NO.249 OF 2018

MAYA RAHUL THORAT
VERSUS
RAHUL PIRAJI THORAT

...
Advocate for Applicant : Mr. Suryawanshi Surendra V.
...

**CORAM : ROHIT B. DEO, J.
DATED : 21th JANUARY, 2020.**

PER COURT:-

. None appears on behalf of the non-applicant although he is served through paper publication.

2. This application is preferred by the wife seeking transfer of petition filed by the non-applicant husband under the provisions of the Guardian and Wards Act, 1890, from Family Court, Aurangabad to Civil Judge Senior Division, Basmath, District Hingoli.

3. The averments in the application have gone un rebutted.

4. According to the applicant, she has no source of income and is dependent on her parents, who are agricultural labour. It is further contended that the distance between Aurangabad and Basmath is 275 kms and it would not be possible for her, due to her financial condition, to

undertake the travel to attend the Court proceeding at Aurangabad. In paragraph no.7 and 8, certain instances are highlighted to substantiate the contention that the wife apprehends risk or harm to personal safety, if she is forced to attend the court proceeding at Aurangabad.

5. The averments in paragraph no.7 and 8 read thus:

“7. The Applicant states that the Respondent is an adamant attitude person. As his financial status is on greater footing than the family of the Applicant, he always pressurizes the Applicant and her family member to come on his terms. He can do anything by using the money power. In spite of this, the lust of Respondent towards getting money from the Applicant is growing. Number of times, the Respondent and his family members have demanded the Applicant and her family money. Not only this, but the Respondent has beaten the Applicant on this count number of times. The Applicant has reported one of the incident to M.I.D.C., CIDCO, Police Station. The Police authorities have registered the Non-cognizable case and taken bonds from the Respondent for good behaviour. The Applicant craves leave and liberty to this Hon’ble Court to refer to and produce the copy of said N.C. at the time of hearing, if necessary.

8. The Applicant states that further the Respondent asked the father of Applicant to take away the Applicant from Aurangabad. Accordingly, the brother of the Applicant came to Aurangabad to take the Applicant to Tembhurni and taken her to Tembhurni. The Respondent, keeping in mind the grudge about said fact, came to Tembhurni along with his brother and brutally beaten the brother of Applicant and run away from the spot. The statement of brother of Applicant is recorded by the Police Authorities in hospital and F.I.R. No.0149/2018 is registered against the Applicant and his brother for

offences punishable u/s.324 r.w 34 of the Indian Penal Code.”

6. Considering the unrebutted averments in the application, I am satisfied that case is made out for allowing this application in terms of prayer clause (B), which reads thus:

(B) Issue an appropriate order to transfer the Petition No.D.24/2018 filed by the Respondent under the provisions of the Guardian and Wards Act, 1890 pending in the Family Court, Aurangabad (Annexed at Exhibit- “A”) to the Court of Civil Judge Senior Division, Basmath, District: Hingoli and for that purpose issue necessary orders.

(ROHIT B. DEO, J.)