

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

MISCELLANEOUS CIVIL APPLICATION NO. 22 of 2014

Sarika w/o Mahesh Pusalkar,
age 30 years, occup. NIL,
R/o C/o Prabhakar s/o Apparao Falle,
Mirajgaon, Taluka Karjat,
District Ahmednagar ... Applicant

versus

Mahesh s/o Anantrao Pusalkar,
age 35 years, occup. business
as photography,
r/of Priyadarshani Colony, Karve Naka,
Karad, Taluka Karad, District Satara ... Respondent

Mr. Vijay P. Latange, Advocate for applicant

CORAM : SUNIL P. DESHMUKH, J.
DATE : FEBRUARY 11, 2015

ORAL JUDGMENT

1. Rule. Rule made returnable forthwith and heard finally.
2. Respondent though served has not put in appearance.
3. This is an application by wife for transfer of proceedings bearing HMP No. 195 of 2013 filed by husband-respondent

herein for dissolution of marriage in the court of Civil Judge, Senior Division, Karad, District Satara, to the court of Civil Judge, Senior Division, Shrigonda, District Ahmednagar.

4. Learned counsel for the applicant submits that the marriage between the parties was solemnized in 2005 and after some initial period, the applicant was subjected to harassment and ultimately she was deserted. Under the circumstances, she had filed proceedings for grant of maintenance in the court of Judicial Magistrate, First Class, Karjat, district Ahmednagar, bearing Miscellaneous Criminal Application No. 287 of 2008 which came to be partly allowed under order dated 25-08-2009.

5. Learned counsel goes on to submit that respondent-husband wants to protract the legal proceedings for one or the other reason with a view to harass the applicant-wife as despite service, he has not put in appearance in the matter.

6. It is further being submitted that the divorce petition filed by the husband in the court at Karad, district Satara, is one of such measures for harassment and protraction of litigation. The court at Karad is quite at a long distance of more than 250 kms. from Mirajgaon in taluka Karjat in district

Ahmednagar where the applicant resides. Let alone she would be able to bear expenses over litigation in Satara district and travel to said place for the same, the applicant hardly has means for survival.

7. Absence of respondent despite service, to a large extend, goes to show that he does not wish to oppose the application.

8. In view of aforesaid, I deem it appropriate that the application deserves consideration in terms of prayer clause (B). Accordingly, application stands granted in terms of prayer clause (B).

9. Rule made absolute accordingly.

SUNIL P. DESHMUKH, J.

pnd