

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.19 OF 2015

AARTI NITIN UNHALE

APPLICANT

VERSUS

NITIN MADHUKARRAO UNHALE

RESPONDENT

Mr.V.P.Kadam, Advocate for the applicant.
Mr.K.B.Jadhav, Advocate for the respondent.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 25/03/2015

PER COURT :

1. While issuing notices by order dated 11/02/2015, this Court had granted *ad-interim* relief in terms of prayer clause "C" to the applicant/wife.
2. I have heard the learned Advocates for both the sides.
3. Contention of the applicant / wife is that she resides at Purna with her parents. Maintenance proceeding Nos. 146/2013 have resulted in an order dated 24/06/2014 by which the respondent / husband is directed to pay monthly maintenance of Rs.3,500/- to the applicant / wife. The respondent, as on date, is in arrears and has

not paid the monthly maintenance. He has preferred Cri.Rev.Appl. No.76/2014 before the competent court at Parbhani for challenging the order of maintenance. Proceedings are pending.

4. By this application filed u/s 24 of the C.P.C., the applicant / wife prays for transferring HMP No.131/2013 which has been instituted by the respondent at Beed. Distance between Purna and Beed is roughly about 200 kms. The applicant finds it extremely cumbersome to travel to Beed for attending the said proceedings. Her parents are of advanced age. The applicant has to be accompanied by a close relative on each occasion to travel to Beed for attending the court proceedings. It is, therefore, prayed that HMP No.131/2013 be transferred to the Court at Parbhani.

5. Learned Advocate for the respondent has opposed the application. He, however, submits that owing to his job with the Court at Majalgaon as a Peon, he finds Parbhani and Beed to be equidistant. In the event HMP No.131/2013 is transferred to Parbhani, the said proceeding as also Cri.Rev.Application No.76/2014 need to be posted on the same day so that the respondent can attend the proceedings by making a single trip. He further submits that both the proceedings be expedited as issue of marital discord is

involved and the respondent would be suffering grave hardships and inconvenience in travelling to Parbhani in view of his job.

6. Having considered the submissions of both the sides, I deem it appropriate to transfer HMP No.131 of 2013 to the competent court at Parbhani. As such, HMP 131/2013 and Cri.Rev.Appl.76/2014 shall be posted on the same day so as to enable both the litigating sides to attend both the proceedings in a single visit to Parbhani. Both the parties are therefore directed to request the Courts that both these proceedings be posted on the same day at their Courts in Parbhani. Both the parties are at liberty to request both the Courts for expediting the matter and in the event any such application is moved before the said Courts, it shall be considered by the concerned Courts and looking at the pendency of the matters, may expedite the said proceedings.

7. HMP No.131/2014 therefore stands transferred to the competent Court at Parbhani. With the above observations and directions, this Misc.civil application is partly allowed.

(RAVINDRA V. GHUGE, J.)