

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

MISC.CIVIL APPLICATION NO. 67 OF 2014

Abhijit Nandkumar Munje APPLICANT

V E R S U S

Radha Abhijit Munje RESPONDENT

.....

Mr. V.A.Bagdiya, Advocate for Applicant.

Mr. P.N.Sonpethkar, Advocate for Respondent.

.....

CORAM : T.V.NALAWADE, J.

DATE : 13th OCTOBER, 2015

ORDER :-

1. The application is filed for transfer of Petition No. A-258 of 2014 presently pending in the Family Court at Nagpur to the Family Court at Aurangabad. The respondent/wife has filed petition for divorce u/s 13 of the Hindu Marriage Act and it is pending in the Family Court at Nagpur and the applicant/husband wants transfer of that proceeding at Family Court, Aurangabad.

2. Heard learned counsel for both sides.

3. It is the case of the husband that his sister is

mentally retarded and handicapped to the extent of 69 %, he is living with her and he is the only person to take her care. Learned counsel for the applicant has produced record in that regard. Learned counsel submitted that the applicant is ready to spend on conveyance of the respondent/wife, as she may be required to spend for coming to Aurangabad from Nagpur. He submitted that the applicant may even get ₹ 5,000/- [Rupees Five Thousand] on each date to see that she gets money for expenses for prosecuting the matter.

4. On the query made by this Court, it is stated that the applicant/husband is serving in the private company and his monthly salary is around ₹ 10,000/- to ₹ 15,000/-.

5. On the other hand, learned counsel for the respondent/wife submitted that respondent is living with her old mother and her mother is required to go for dialysis every week. When the learned counsel for the applicant submitted that there are other persons to take care of her mother, learned counsel for respondent submitted that respondent alone is taking care of her mother. He submitted that ordinarily it is not practicable to make order of expenses, as some complications are always made in making payment or there may be order of striking of the defence, the orders are challenged and get the proceedings protracted.

6. The aforesaid circumstances are there, but it

may be said that when husband goes for service, somebody may be attending his sister. It is true that whenever Court makes order and ask the husband to pay money for expenses of the wife for conveyance, etc., generally complications arise. Considering the income of the husband, such complications are bound to arise in the present matter. When complications arise, main matter suffers.

7. In view of the above circumstances, this Court holds that direction be given to the present Court to expeditiously dispose of the matter. Learned counsel for the respondent/wife submitted that respondent will co-operate and direction be given to dispose of the matter within three months from today.

8. In that regard, present Misc. Civil Application is dismissed. Direction is given to the Family Court, Nagpur to dispose of the Petition No. A-258 of 2014 within three months from the date of receipt of this order.

[T.V.NALAWADE, J.]