

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

MISCELLANEOUS CIVIL APPLICATION NO.69 OF 2015

Sunita @ Neha w/o Amitsingh Rajput,
Age: 30 years, occupation: Household,
Residing at c/o Madhavsingh s/o Sandusingh
Gautam, Jai Durga Hall, Mil Corner,
Aurangabad .. Applicant

VS

Amitsingh s/o Dilipsingh Rajput,
Age: 32 years, occupation: Engineer-
Self employed, residing at :
Sukh Sagar Nagar, Part No.2,
Galli No.4, Padmakunj Niwas,
Opposite Gudwil School, Katraj,
Pune- 411 046

As well as

Amitsingh s/o Dilipsingh Rajput,
c/o Mrs. V. P. Ranware,
Survey No.670/71, Chawal B-11/20,
Bibbwewadi, Pune – 411 009 .. Respondent

Mr. Hemant Surve, Advocate for applicant
Mrs. R.R. Mane, Advocate holding for Mrs.
Jyoti H. Patki, Advocate for respondent

CORAM : SUNIL P. DESHMUKH, J.
8TH DECEMBER, 2015

ORAL JUDGMENT:

1. Rule. Rule made returnable forthwith and heard finally, by consent.
2. There is no dispute on facts that the applicant and respondent are wife and husband respectively and that marriage

between them had been solemnized in 2008. Around 2014, disputes arose between them culminating into their separation around December, 2014, resulting in applicant-wife residing with her parents at Aurangabad. Consequently, husband filed divorce petition, bearing no. PA-31/2015 in the family court at Pune and wife filed maintenance application bearing no. E-103/2015 in family court at Aurangabad and miscellaneous criminal application bearing no. 233 of 2015 in the court of Judicial Magistrate, First Class, Aurangabad.

3. On behalf of the applicant, it is being contended that she has been driven out of the house and that her parents' economic condition is not well nor they are in a position to accompany her to attend the proceedings outside Aurangabad. She is dependent on her father for her livelihood and has no income source of her own worth the name. Husband, on the other hand, is an employed person earning handsome income from the job he is doing. In order to harass the applicant, he has instituted proceedings for divorce in the court at Pune while he is aware that the applicant has been residing at Aurangabad and is not economically sound.

4. On the other hand, learned counsel for the respondent-husband contends that the submissions on behalf of the applicant do not carry any substance and are fallacious inasmuch as that the applicant had instituted proceedings against respondent in

retaliation and as a response to the proceedings filed by the respondent at Pune. It is further contended that the proceedings initiated at Aurangabad by applicant are frivolous and vexatious and that the respondent is being made run from pillar to post to attend the proceedings at Aurangabad. In the process, he has lost the only employment he had at Pune earning income for himself and his dependents at Pune. With great difficulty, he could secure another job recently and will have to keep up with the same. It would be difficult for him to attend to the dates of the proceedings at Aurangabad, and it would be even more difficult if the proceedings pending at Pune are transferred to Aurangabad.

5. Learned counsel for respondent, suggests that it would be worthwhile if the proceedings are transferred to court at Ahmednagar, for, it is at equal distance from both the places i.e. from Pune and Aurangabad and she, therefore, requests that the proceedings pending in the courts at Aurangabad and the one at Pune be tried in courts at Ahmednagar.

6. After hearing learned counsel for the parties, it appears that the respondent-husband has been attending two proceedings initiated by the applicant-wife at Aurangabad and further that the veracity of the contentions on behalf of the applicant about her economic condition and practical difficulty for moving out of Aurangabad are not seriously challenged.

7. As far as difficulty about attending the dates by respondent-husband is concerned, the same can be taken care of by co-operation of parties to the court and accordingly dates can be co-ordinated and arranged.

8. In view of the above, I deem it appropriate to grant the application. Accordingly, miscellaneous civil application is granted in terms of prayer clause (B) and disposed of.

9. Divorce petition bearing No.PA-31/2015 filed by the respondent-husband in the family court at Pune stands transferred to the family court at Aurangabad. However, it is made clear that dates in three proceedings at Aurangabad, two by the applicant and one by the respondent, be so arranged that it would not cause any inconvenience to the respondent and his convenience be taken into account while co-ordinating and arranging the dates of the proceedings between the parties in courts at Aurangabad.

10. Rule made absolute in aforesaid terms.

SUNIL P. DESHMUKH, J.

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