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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISCELLANEOUS CIVIL APPLICATION NO.82 OF 2015

Monika Manoj Karwa
Age - 36 years, Occ - Household,
Through Satish Agrawal,
Residing at Laxmi - D-5/6,
Sundar Residency, Keshav Nagar,
Shahnoorwadi, Aurangabad

APPLICANT

VERSUS

Manoj Surajmal Karwa
Age - 39 years, Occ - Business,
R/o "Sai Amrut", Shriram Colony,
Yeola, Taluka - Yeola,
District - Nashik

RESPONDENT

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Mr. Kishor C. Sant, Advocate for the applicant
Mr. B. A. Darak, Advocate for the respondent

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 14th DECEMBER, 2015

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith and heard finally with consent of learned advocates for the parties.
2. This is an application moved by applicant-wife for transfer of proceedings of HMP No.153 of 2015 which is pending at Niphad, District-Nashik to Family Court at Aurangabad, since the wife is residing with her parents at Aurangabad.

3. The applicant and the respondent - husband got married in May, 2014, however, the couple could not co-habit for long and it appears that the applicant had started residing at Aurangabad with her parents, from March, 2015.

4. The respondent appears to have moved proceedings for divorce bearing Hindu Marriage Petition No.153 of 2015 in the court at Niphad. The applicant has submitted that as a matter of fact, she is willing to co-habit with the respondent, however harassment is being caused to her, which made her stay out of the matrimonial house and that she is not allowed to enter the matrimonial house.

5. The applicant has given various reasons as appearing in paragraph No.7 of the application as to why it will be proper to have proceedings of HMP No. 153 of 2015 be conducted at Aurangabad instead of Niphad, specially having regard to availability of family court.

6. On the other hand, it is being submitted on behalf of the respondent that the appropriate course would be to have the present application lodged at principal seat at Mumbai, rather than at Aurangabad. It is further being submitted on behalf of

the respondent that possibilities of settlement can still be explored, in spite of failure of mediation.

7. Looking at that generally, it is wife's convenience which is seen and the reasons which have been referred to in paragraph No.7 of the application, position, in the circumstances, tilts in favour of the applicant.

8. Though it is contended that the application would have been filed at Mumbai, yet it cannot be said to be a case that Aurangabad Bench has no jurisdiction at all, especially having regard to residence of the applicant.

9. In view of aforesaid, the Miscellaneous Civil Application stands allowed in terms of prayer clause "A" and stands disposed of.

[SUNIL P. DESHMUKH, J.]