

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

MISC. CIVIL APPLICATION NO. 76 OF 2013

Yogini W/o Gajanan Bhale ... Applicant

Versus

Gajanan Suryakant Bhale ... Respondent

.....
Mrs. A.N. Ansari , Advocate holding for
Mrs. C.E. Gaikwad, Advocate for respondent
.....

CORAM : RAVINDRA V. GHUGE, J.

DATED : 1st APRIL, 2015

PER COURT :

1. None for the applicant/ petitioner.
2. The applicant /petitioner is engaged in proceedings against the respondent in relation to a marital discord. The respondent has filed H.M.P. No. 115 of 2013 before the Learned Civil Judge, Senior Division, at Parbhani under Section 9 of the Hindu Marriage Act.
3. It is the case of the applicant / petitioner that due to poor financial condition she cannot undertake the journey from Aurangabad to Parbhani on each date of hearing as she is

residing at Aurangabad. She finds it inconvenient to travel alone from Aurangabad to Parbhani.

4. It is stated in this application which was filed on 17-08-2013 that the applicant was in her 6th month of pregnancy and the distance between Aurangabad to Parbhani is about 200 km. On each occasion a close relative/ family member has to accompany her to attend the date of hearing at Parbhani.

5. Learned Advocate for the respondent indicates that the applicant / petitioner has thereafter delivered a child which is in her custody. Needless to state, looking at the age of the child it appears that the applicant / petitioner would find it more difficult to undertake the journey to Parbhani.

6. The learned Advocate for the respondent has opposed the application. It is submitted that even the respondent would find it cumbersome to attend dates of hearing in the matter if the said proceedings are transferred to Aurangabad. He, therefore, prays for the rejection of the applicant.

7. Having considered the rival submissions and the manifest inconvenience being caused to the applicant in attending the

dates of hearing in H.M.P. No. 115 of 2013, I find it appropriate to allow this application.

8. As such, this application is allowed. The proceedings in H.M.P.No. 1153 of 2013 pending before the learned Civil Judge, Senior Division, Parbhani shall be transferred to the appropriate Family Court at Aurangabad in H.M.P. No. 115 of 2013 on 27-04-2015.

9. Learned Advocate for the respondent prays that the proceedings be decided within a time frame. The respondent is at liberty to make a request to the Family Court for expediting the said matter and in the event such an application is filed by any of the parties, the same will be considered by the concerned Court, keeping in view the pendency of cases before the said Court.

(**RAVINDRA V. GHUGE, J.**)