

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO.165 OF 2014

1. Sau. Rajashri w/o Sandip Patil,
Age : 31 years, Occu. Service,
R/o C/o Shri Devendra Raghunath Patil,
Near Shivaji Press, Sutar Galli,
Sakri, Tq. Sakri, District Dhule
2. Kum. Shravani D/o Sandip Patil,
Age : 5 years, Occu. Minor,
3. Pratyush S/o Sandip Patil,
Age : 3 years, Occu. Minor,
The applicants Nos.2 and 3 are the
minors, as such, Under Guardianship
of their mother namely Sau.
Rajashri W/o Sandip Patil
(Applicant No.1) ..APPLICANTS

VERSUS

Shri Sandip S/o Pundlik Patil,
Age : 35 years, Occu. Service,
R/o Plot No.85/B1/2, Jijamata Colony,
Near Government Guest House,
Pachora, Tq. Pachora,
District Jalgaon ..RESPONDENT

Mr Pramod D. Patil, Advocate for applicants;
Mr K.N. Shaikh, Advocate for respondent

CORAM : N.W. SAMBRE, J.

DATE : 29th July, 2015

ORAL ORDER :

By the present Misc. Civil Application, the applicants – who are wife

and children of the respondent – husband, seek transfer of Hindu Marriage Petition No.534 of 2012, pending on the file of Civil Judge Senior Division, Jalgaon to the Court of Civil Judge Senior Division, Dhule.

2. The marriage between the applicant and respondent took place on 26th February, 2007 and they are blessed with two children, who are applicants no.2 and 3 herein. The hardship of the applicant along with the children is a ground pressed into service.

3. The claim for transfer is objected on behalf of the respondent on three grounds, namely, (a) that the applicant is Government servant and is financially well off; (b) the respondent is earning average income and he has more hardship as he has to maintain his family and old aged mother at Jalgaon and (c) he has lost his father few months back.

4. In my opinion, the above referred grounds do not hold any substance, particularly in the background of the fact that applicant no.1 - wife is required to maintain and nourish two minor children, who are born out of the wedlock and are in her custody.

5. Though the respondent has made an offer for paying reasonable amount for travelling from Dhule to Jalgaon for attending the proceedings, i.e. Rs.800/-, in my opinion, the said meager amount will not be sufficient

to meet the expenses of the applicant while travelling along with her two minor children and a companion, when she will be required to spare entire day in the Court proceedings.

6. Thus, a case for transfer of proceedings, as prayed for is made out. In the result, Misc. Civil Application No.165 of 2014, stands allowed in terms of prayer clause (B) with no order as to costs.

(N.W. SAMBRE, J.)

amj