

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISCELLANEOUS CIVIL APPLICATION NO.105 OF 2016

Ujwala w/o Parag Mahajan
Age - 24 years, Occ - Household
R/o Varvade, Taluka - Shirpur
District - Dhule

APPLICANT

VERSUS

Parag s/o Raghunath Mahajan
Age - 33 years, Occ - Service
R/o Blot No.5, 2nd Floor,
Jalandhar Darshan Apartment
Adharwadi, Lal Chouki,
in front of Hotel Anubhav,
District - Palghar

RESPONDENT

.....
Mr. D. S. Bagul, Advocate for the applicant
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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 22nd SEPTEMBER, 2016

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith and heard learned advocate for the applicant finally with consent. Despite service, none appears for the respondent.
2. Learned advocate states that proceedings for maintenance at the instance of the applicant in the court at Shirpur had been decided and order granting maintenance @ Rs.3,500/- to the applicant and Rs. 1,500/- to the son per month has been passed.

However, said amount also is not being paid by the respondent. He further submits that distance between Shirpur and Kalyan, where Hindu Marriage Petition No.58 of 2016 filed by respondent-husband for dissolution of marriage, is about 400 kilometers and looking at the economic condition of parents of the applicant as well as of the applicant, it is difficult for her to bear the expenses of travelling and attending proceedings and spending over the litigation initiated by the respondent-husband at Kalyan. It is further being submitted that since no court of civil judge, senior division is available at Shirpur and the nearest place is Dhule, it would be in the fitness of things that the proceedings which have been lodged by the respondent-husband at Kalyan, be transferred to a court at Dhule as it would be convenient for the applicant to attend the same at Dhule and comparatively expenses involved in the litigation at Dhule would be little less. Learned advocate further points out that the respondent originally hails from Nandurbar district and there would not be any inconvenience for the respondent to attend to the proceedings at Dhule.

3. Since, despite service, no appearance is caused on behalf of the respondent, which to a large extent exhibits and tantamounts to tacit consent to the request made in the

miscellaneous civil application. As such, the Miscellaneous Civil Application stands allowed. Rule is made absolute in terms of prayer clause "B". Miscellaneous Civil Application stands disposed of.

[SUNIL P. DESHMUKH, J.]

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