

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISCELLANEOUS CIVIL APPLICATION NO.97 OF 2015

Ganga Namdev Vaidya
Age - 28 years, Occ - Household
R/o Ravi Nagar, Manjula Complex,
Old Kautha, Nanded
Taluka and District - Nanded

APPLICANT

VERSUS

Namdev Dondhiba Vaidya
Age - 32 years, Occ - Labour
R/o Shewale House Dadarao Plot,
Taluka and District - Parbhani

RESPONDENT

.....
Mr. Ashis B. Shinde, Advocate for the applicant
Mr. Shivaji T. Shelke, Advocate for the respondent
.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 22nd FEBRUARY, 2016

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith and heard finally with consent of learned advocates for the parties.
2. This miscellaneous civil application is moved by applicant-wife seeking transfer of proceedings filed by respondent-husband bearing HMP No.149 of 2014 for divorce, pending before civil judge, senior division Parbhani to Nanded.
3. From the wedlock the couple has begotten two children.

The applicant is staying with her parents at Nanded. She has filed two proceedings in Family Court at Nanded, one for restitution of conjugal rights and the other for maintenance.

4. There is no dispute that the respondent - husband is attending to the proceedings at Nanded. However, learned advocate for the respondent submits that distance between the two cities is not much and further that the respondent-husband is working as a compounder and his presence is necessary with the employer. He submits that lot of time is taken in attending to the court proceedings at Nanded and this further proceedings at Nanded would prejudice his employment.

5. Looking at aforesaid submissions on behalf of the respondent-husband, the inconvenience, which as expressed may cause to the respondent, can be taken care of by organizing dates in the matters at Nanded which would reduce the requirement of presence of the respondent-husband on different dates. To put it with clarity, the dates in the matters, which are pending at Nanded be so arranged that they are taken on the same day or on such dates, which are convenient to the respondent-husband.

6. In the circumstances, the miscellaneous civil application is

allowed. Rule is made absolute in terms of prayer clause "B". The proceedings before the Family Court at Nanded between the parties be so arranged which would not cause inconvenience to the respondent - husband.

[SUNIL P. DESHMUKH, J.]

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