

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

MISCELLANEOUS CIVIL APPLICATION NO. 160 OF 2016

Sow. Sonali w/o Parmeshwar Sanap,
Age: 33 years, occup.: Household,
R/o C/o Uddhavrao s/i Narayanrao Kute,
Flat no. C-302, "Manjeet Pride Glory",
Devlai Road, Beed By Pass, Taluka .. Applicant /
and District Aurangabad Original Opponent

versus

Parmeshwar s/o Mahadev Sanap,
Age: 40 years, occup. Business & Agriculture
resident of Shri Guru Krupa Niwas,
In front of Vaishnav Sadan,
Hanuman Mandir Road, Shahunagar, .. Respondent/
Tq. and Dist. Beed. Original Applicant

Mr. Gajanan S. Shembole, Advocate for applicant
Mr. V. P. Latange, Advocate for respondent

CORAM : SUNIL P. DESHMUKH, J.
DATE : 29th September, 2016

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith. Heard learned counsel for the parties by consent, finally.

2. Mr. Shembole, learned counsel for the applicant submits that from the relations between the parties, two daughters, by name

Samrudhi and Sayli, have been begotten and are staying with applicant at Aurangabad. Applicant is residing with her age-old parents. Further, applicant's economic condition does not allow her to undertake prosecution of the proceedings bearing hindu marriage petition 95 of 2016 in the court at Beed filed by respondent, particularly since she is taking some temporary employment and is eking out existence. Further, the nature of employment may not allow her to make frequent visits to Beed to attend the proceedings.

3. Further, according to applicant, respondent-husband is a businessmen and, as such, is a self-employed person and thus would be in a position to attend the proceedings on transfer of the same to Aurangabad.

4. Mr. Latange, learned counsel for respondent submits that as far as expenses for journey from Aurangabad to Beed are concerned, respondent is ready to bear the same and further contends that there is a underlying threat to respondent's person at Aurangabad.

5. Although Mr. Latange has not placed on record any credible material save oral submission to support the apprehension, assuming his apprehension is likely to come true, it is open for him to make appropriate application to the court upon transfer of proceedings to Aurangabad.

6. Having regard to overall circumstances, I deem it appropriate to grant the application.

7. Miscellaneous civil application, as such, stands granted in terms of prayer clause (B). The proceedings bearing hindu marriage petition no. 95 of 2016 pending before the civil judge, senior division, Beed, stand transferred to the family court, Aurangabad.

8. Rule made absolute in aforesaid terms. Miscellaneous civil application stands disposed of.

SUNIL P. DESHMUKH,
JUDGE

pnd