

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

MISCELLANEOUS CIVIL APPLICATION NO. 120 OF 2015

Sadhana @ Kavita Deepak Shinde,
age 23 years, occup. Household,
R/o C/o Yadav Maruti Kurhade,
Aashirwad Nagar, P.P.S. Road,
At post Lon (Kh) Tq. Rahta,
Dist. Ahmednagar

..... Applicant

versus

Deepak s/o Shankar Shinde,
Age 30 years, cocup. Service,
R/o Sandip Housing Society,
Near Chandan Furniture,
Sakhari By Pass, Sakhari Road,
Dhule, Tq. and Dist. Dhule

..... Respondent

Ms. Suvarna M. Zaware, Advocate for applicant
Mr. Shrikant S. Patil, Advocate for respondent

CORAM : SUNIL P. DESHMUKH, J.
11TH JANUARY, 2016

ORAL JUDGMENT:

1. Rule. Rule made returnable forthwith. Heard the parties finally by consent.
2. Applicant is the wife of respondent having married to him in 2013. After sometime, it appears, relationship went into trouble resulting in applicant starting residing in her parental house at Kopergaon.
3. According to learned counsel for applicant, economic condition of applicant's parents as well as her is not sound. From the wedlock,

the couple has a son by name Naksh who is one and half year old. Applicant has initiated proceedings for restitution of conjugal rights at Kopergaon whereas the respondent has initiated proceedings at Dhule for divorce. Learned counsel for the applicant submits that distance between Kopergaon and Dhule is quite long and as such it is difficult for wife to attend the proceedings at Dhule.

4. On the other hand, learned counsel for respondent-husband submits that respondent is working at Malegaon and staying at Dhule and further submits that respondent is ready to bear expenses of the applicant for attending the proceedings at Dhule.

5. Learned counsel for applicant, however, submits that applicant is not in a position to travel alone as she has to take someone with her and further, long distance between the two places – Kopergaon and Dhule with child would not make it convenient for her to attend the proceedings at Dhule. She submits that in any event respondent-husband has to come down to Kopergaon to attend the proceedings filed by applicant – wife.

6. Learned counsel for respondent on the other hand submits that it would be difficult for respondent to make frequent trips to Kopergaon to and fro to attend proceedings and that may put him in difficult situation and his services may well get affected by such frequent trips to Kopergaon.

7. I deem it appropriate that difficulties expressed by respondent will also have to be taken into account.

8. In the circumstances, miscellaneous civil application is allowed in terms of prayer clause (B) and the proceedings bearing Hindu Marriage Petition No.279 of 2015 pending on the file Civil Judge, Senior Division, Dhule stand transferred to the court of Civil Judge, Senior Division, Kopargaon. The dates in said transferred proceedings and the one filed by applicant-wife at Kopargaon bearing Hindu Marriage Petition No. 148 of 2015 be so arranged that it does not become difficult for respondent – husband to attend the same at Kopargaon. It would be worthwhile if both the proceedings are taken up on the same date, the difficulties expressed by learned counsel for the respondent-husband would be conveniently taken care of.

9. Rule is made absolute accordingly. Writ petition stands disposed of.

SUNIL P. DESHMUKH, J.

pnd