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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISCELLANEOUS CIVIL APPLICATION NO.122 OF 2015

Manisha Dnyaneshwar Marathe APPLICANT
Age - 29 years, Occ - Household
R/o Plot No. 22, Near Rajani Apartment,
To the south of Girna Water Tank,
Parwati Nagar, City,
Taluka Jalgaon

VERSUS

Dnyaneshwar Sakharam Marathe RESPONDENT
Age - 33 years, Occ - Estate Broker,
R/o Plot NO. 57, Near Dubkeshwar Temple,
Mahadev nagar, City,
Taluka and District - Nandurbar

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Mrs. Chaitali P. Kutti h/f Mr. P.N.Kutti, Advocate for the applicant

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 18th JANUARY, 2016

ORAL JUDGMENT :

1. Despite service, no appearance has been caused on behalf of the respondent.
2. Rule. Rule made returnable forthwith and heard learned advocate for the applicant finally, with consent.
3. Learned advocate for the applicant contends that marriage between the applicant and the respondent had taken place in

2006 and she had been to the matrimonial house. From the wedlock, the couple had begotten a daughter. However, after some time, she was being ill-treated making certain demands and after the same having become unbearable, she had no alternative but to leave her matrimonial house and she had started residing with her parents at Jalgaon.

4. Due to ill-treatment, the applicant has initiated proceedings under the Domestic Violence Act bearing DVA No.184 of 2014 at Jalgaon. The respondent has been attending the same at Jalgaon.

5. The respondent had earlier on initiated proceedings for divorce at Nandurbar and that the same were being protracted on account of attempts to reconcile the relationship. Said proceedings were purportedly settled under mediation. However, after some time, ill-treatment started re-occurring and hence proceedings under the Domestic Violence Act has been initiated. As such, in order to retaliate proceedings under the Domestic Violence Act, initiated by the applicant, the respondent had filed proceedings for divorce bearing Marriage Petition No.46 of 2015 at Nandurbar.

6. Learned advocate for the applicant refers to the contents

of the Miscellaneous Civil Application, particularly paragraph No.6 and states that it is difficult for the applicant to attend to the proceedings at Nandurbar.

7. Since all aforesaid contentions go uncontroverted and unrebutted and having regard to the contents of paragraph No.6 of the Miscellaneous Civil Application, as referred to herein above, I deem it appropriate that the Miscellaneous Civil Application be allowed.

8. Accordingly, the Miscellaneous Civil Application stands allowed. Rule is made absolute in terms of prayer clause "A".

[SUNIL P. DESHMUKH, J.]