

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

MISCELLANEOUS CIVIL APPLICATION NO. 126 OF 2015

Saw. Jyoti @ Shradha Santosh Gawali

Age 24 years, occupation : Nil,

At present r/o Kekti, At post, Barababhli,

Tq. Ahmednagar, Dist. Ahmednagar .. Applicant

versus

Santosh s/o Sahebrao Gawali,

Age 25 years, occup. Service,

R/o C/o Ankush Gulabrao kale,

A-22/4, N-11, Sudarshan Nagar,

Hudco, Aurangabad .. Respondent

Mr. Yuvraj V. Kakde, Advocate for appellant

Mr. A. C. Darandale, Advocate for respondent

CORAM : SUNIL P. DESHMUKH, J.
19TH JANUARY, 2016

ORAL JUDGMENT:

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

2. Applicant-wife is seeking transfer of proceedings bearing Petition No. A-235/2015 filed by respondent-husband before the Family Court, Aurangabad under section 13(1) (i-a) (iii) of the Hindu Marriage Act, 1955, to the court of Civil Judge, Senior Division, Ahmednagar.

3. Learned counsel for the applicant states that marriage between the parties had taken place in December, 2012 at village Kecti, post Barabahli, taluka and district Ahmednagar, however, soon after the marriage was solemnized, a dispute had arisen between them and could not be resolved although there had been attempts by family members to have reconciliation.

4. It is contended on behalf of the applicant that respondent had not taken the applicant-wife back, on the contrary instituted proceedings in Family Court at Aurangabad for divorce. According to learned counsel as a result of this, applicant had no alternative but to stay with her parents at village Kecti, post Barabahli. She has no independent source of income of her own nor her parents are in a position to accompany her to attend the proceedings which have been initiated by respondent-husband at Aurangabad.

5. Mr. Darandale, learned counsel appearing on behalf of the respondent contends that distance between Aurangabad and Ahmednagar is not much and is manageable, however, he is not in a position to dispute veracity of other contentions of the applicant about her economic condition not being well and that her parents are not in a position to accompany her to attend the proceedings at Aurangabad filed by respondent.

6. Having regard to provisions of section 19 of the Hindu Marriage Act, 1955 and that presently applicant is residing with her

parents at village Keki in district Ahmednagar where the marriage was solemnized, I deem it appropriate that the proceedings pending before family court, Aurangabad at the instance of respondent be transferred to the court of civil judge, senior division, Ahmednagar, as prayed for in prayer clause (B).

7. Accordingly, rule is made absolute in terms of prayer clause (B). Miscellaneous Civil Application accordingly stands disposed of.

SUNIL P. DESHMUKH, J.

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