

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

MISCELLANEOUS CIVIL APPLICATION NO. 129 OF 2015

Saw. Swati w/o Baban Jadhav
@ Swati Bhaskar Shinde,
Age 35 years, occup. Nil,
R/o at Post Takli Khatgaon,
Tq. Ahmednagar, Dist. Ahmednagar .. Applicant

versus

Baban s/o Bhivsen Jadhav,
Age 38 years, occup. Professor,
R/o E-302, Sai Nagar, Sector-4,
Kalmboli Colony, Tq. Panvel,
Dist. Raigad – 410218 .. Respondent

Mr. Yvraj V. Kakade, Advocate for applicant
Mr. B. A. Darak, Advocate for respondent

CORAM : SUNIL P. DESHMUKH, J.
1ST FEBRUARY, 2016

ORAL JUDGMENT:

1. Rule. Rule made returnable forthwith. Heard learned counsel for parties finally, by consent.
2. The applicant-wife is before this court, seeking transfer of divorce proceedings bearing H.M.P. No. 113/2013 filed by respondent - husband in the court of Civil Judge, Senior Division, Panvel, to the court of Civil Judge, Senior Division, Ahmednagar.
3. Applicant and respondent got married on 13-05-2003 and from the wedlock, two children are begotten. It is being contended on behalf of the applicant that around October, 2012, respondent deserted applicant and the two children. Despite efforts, no

reconciliation could take place and the respondent is not ready to take back the applicant and children.

4. Learned counsel for applicant further refers to that mediation proceedings have also ended up in failure. He further purports to complain about certain incidents before mediator. However, that may not be of much relevance as far as this application is concerned.

5. Mr. Darak, learned counsel on behalf of the husband, contends that respondent is serving as a professor in a college at Kalamboli, taluka Panvel, district Raigad. He submits, it is too strenuous for his client to attend the proceedings filed by him in the court at Panvel, if transferred to the court at Ahmednagar. He, therefore, requests that in stead, matter be transferred to central place like Pune.

6. However, Mr. Kakade contends that the applicant is not in a position to attend the proceeding at the place other than Ahmednagar. Additionally, he submits that it is cumbersome as well for his client to take travel along with two children for attending proceedings at place other than Ahmednagar. She will have to have one more attendant to look after the children and bear his travelling expenses from Ahmednagar to some other place.

7. On the contrary, according to Mr. Kakade, respondent is in sound economic position as he is receiving Rs.90,000/- by way of salary per month. Mr. Darakh, though disputes the same, however, has not been in a position to deny that respondent is receiving salary.

8. However, taking into account over all circumstances, it would be expedient and convenient to have the proceedings in the court at Ahmednagar. Difficulties expressed by Mr. Darakh can be taken care of by arranging dates in the matter as may be convenient to both the parties.

9. Having regard to aforesaid and amendments to section 19 of the Hindu Marriage Act, 1955, miscellaneous civil application is allowed in terms of prayer clause (B) and disposed of.

10. Proceedings, upon transfer, be proceeded with as expeditiously as possible and disposed of preferably within a period of six months from the date of appearance of parties.

11. Rule made absolute in aforesaid terms.

SUNIL P. DESHMUKH, J.

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