

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

MISCELLANEOUS CIVIL APPLICATION NO. 139 OF 2015

Sau. Mukta w/o Govind Sarje
Age: 31, Occu: Household,
R/o. C/o. Sopan Govindrao Dasare,
Baliraja Nagar, Karegaon Road,
Parbhani, Tq. & Dist. Parbhani

... APPLICANT

Versus

Govind s/o Tukaram Sarje
Age: 38 years, Occu: Service,
R/o. Vaibhav Nagar, Latur,
Tq. & Dist. Latur

... RESPONDENT

.....
Mr. S. K. Chavan, Advocate for applicant
Mr. S. P. Urgunde, Advocate for respondent
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CORAM : SUNIL P. DESHMUKH, J.
DATE : FEBRUARY 12, 2016

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith. Heard learned counsel for the parties finally.
2. This miscellaneous civil application is moved with a request to transfer the proceedings bearing Hindu Marriage Petition No. 168 of 2012 initiated by the respondent in the court at Latur seeking divorce, to the court of Civil Judge, Senior Division Parbhani.

3. It is contended that it would not be convenient for the applicant to travel and to attend the Hindu Marriage Petition at Latur and there is danger to her life from respondent. It is further being stated that she is ready and willing to cohabit with the respondent.

4. It has been fairly referred to that the marriage between the parties had been solemnised at Latur and she is getting maintenance of Rs.3000/- per month.

5. Learned counsel for the applicant, however, submits that applicant is suffering hardship and she has no other means for her livelihood. She is facing difficulties in collecting the amounts of maintenance and she has to move applications for the same.

6. Learned counsel Mr. Urgunde for the respondent – husband submits that it cannot be said that it is inconvenient for the applicant to attend the proceedings at Latur. There have been several proceedings being attended to and are being attended to by the applicant. As a matter of fact, the domestic violence petition has been prosecuted by the applicant at Latur, in which respondent has been clearly acquitted. The other proceedings which are filed at Latur are being regularly attended to by her. He further points out that in the present proceedings applicant is attending since 2012 and the application has been moved only in 2015 with a view to protract the litigation and at belated stage and there is no point in transferring the proceedings from Latur to Parbhani.

7. Learned counsel for respondent on instructions, states that his client would bear the expenses of travel of the applicant from Parbhani to Latur and back, for attending proceedings in the Hindu Marriage Petition at Latur.

8. Taking into account that the proceedings are pending since 2012 and that the matter is at the stage of evidence and further that the respondent has undertaken to bear expenses from Parbhani to Latur and back of the applicant, I think that this is not the case wherein discretion is required to be exercised in favour of the applicant.

9. In the circumstances, miscellaneous civil application is dismissed. Rule stands discharged.

10. However, it is made clear that it is open for the parties to make a request to the court as may be available in law.

11. It is expected that since the applicant is required to go to Latur from Parbhani, it would be expedient that the dates in other matters and the Hindu Marriage Petition are arranged in a manner which would not be inconvenient to the applicant. Respondent, as assured to bear to and fro expenses of travel.

(SUNIL P. DESHMUKH, J.)

sms
