

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

MISCELLANEOUS CIVIL APPLICATION NO. 156 OF 2015

1. Akshad s/o Dattatraya Kharat
Age – 9 Month, Occu. Nil,
Through natural guardian
Manjusha Dattatraya Kharat
Age – 24 years, Occu. Service
 2. Manjusha w/o Dattatraya Kharat
Age – 24 years, Occu. Service,
C/o Leelabai Govindrao Jagdhne
H. No.311 MAHADA, Ram Nagar
Police Colony, Near hanuman Temple,
Dr. Shevale Hospital Area,
Ram Nagar, Tq. and Dist. Jalna
- ... APPLICANTS

VERSUS

Dattatraya S/o Prabhakar Kharat
Age – 29 years, Occu – Service
R/o Sinddhi Kalegaon,
Tq. and Dist. Jalna
At present Room no. B-11, Suyog,
Titwala Co-op. Housing Society,
2 floor, Sangoda Road, Tittwala (w),
Tq. Kalyan, Dist. Thane

... RESPONDENT

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Mr. Sachin Joshi h/f Mrs. Neeta S. Joshi, Advocate for applicants
Mr. M. P. Tripathi, Advocate for respondent

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CORAM : SUNIL P. DESHMUKH, J.

DATE : FEBRUARY 26, 2016

ORAL JUDGMENT :

1. Rule. Rule returnable forthwith. Heard finally by consent of the parties.

2. There is no dispute on the facts that both the parties originate from Jalna district and that applicants are presently residing at Ramnagar in Jalna taluka.

3. Applicant No.2-wife Manjusha had been employed as Gramsevika long before she had married with the respondent. After birth of the child Akshad, the original applicant before this court, it appears that disputes have arisen between the husband and wife and they have filed proceedings against each other. Respondent - husband has initiated proceedings bearing Hindu Marriage Petition No. 663 of 2015 for restitution of conjugal rights in the court of Civil Judge, Senior Division, Kalyan. Thereafter, Proceeding has been initiated by child Akshad bearing Miscellaneous Application bearing No. 803 of 2015 for maintenance before the Chief Judicial Magistrate, Jalna.

4. There is also no dispute that mother and child are residing in Jalna taluka. It further appears that in the proceedings at Jalna the respondent may have to appear and attend the same. In the circumstances, it would be just and convenient that the proceedings pending in Kalyan are transferred to the court at jalna.

5. At this stage, learned counsel appearing for respondent – husband Mr. Tripathi requests that both the proceedings be decided at Jalna as expeditiously as possible. He further requests that the dates in the proceedings may be so arranged as would be convenient to respondent – husband.

6. In view of aforesaid, miscellaneous civil application stands allowed in terms of prayer clause (B). Rule is made absolute accordingly.

7. The transferred proceedings as well as proceedings pending at Jalna as referred to hereinabove be proceeded with as expeditiously as possible and decided preferably within a period of six months from the date of receipt of writ of this order. The dates in the two proceedings be so arranged as would be convenient to the respondent.

(SUNIL P. DESHMUKH, J.)

sms
