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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISCELLANEOUS CIVIL APPLICATION NO.168 OF 2015

Sarita Santosh Sitapure

APPLICANT

Age - 28 years, Occ- Nil

R/o Balasaheb Shivaji Gaikwad,

Gopal Nagar, Behind Ring road,

Near Masjid, Latur

Taluka and District - Latur

VERSUS

Santosh Mohan Sitapure

RESPONDENT

Age - 30 years, Occ - Service

R/o C-67/5, N-11, CIDCO,

Shivaji Nagar, Aurangabad

Taluka and District - Aurangabad

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Mr. N. D. Kendre, Advocate for the applicant

Mr. V. S. Shembole, Advocate for the respondent

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 22nd FEBRUARY, 2016

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith and heard finally with consent of learned advocates for the parties.
2. This is miscellaneous civil application by applicant-wife for transfer of proceedings bearing Petition No. A-112 of 2015 pending before family court at Aurangabad to the court of civil judge, senior division at Latur.

3. Learned advocate for the applicant-wife submits that she had been forced out of the matrimonial house as she was being tortured. It is further being pointed out that since then the applicant is residing in Latur with her mother, her father being no more. Economic condition of the applicant and her mother is very weak. They are not able to maintain themselves. Learned advocate for the applicant-wife further refers to that a criminal prosecution is pending against the respondent-husband in Latur court. In the circumstances, he submits that the proceedings which are initiated by the respondent-husband for divorce pending in family court at Aurangabad be transferred to Latur. He further submits that the applicant-wife would not be able to bear the expenses of travelling to Aurangabad and she being a woman, would also require additional help to accompany from Latur to Aurangabad, which is about 300 km away. It is, therefore, being requested that the proceedings initiated by husband at Aurangabad be transferred to the court at Latur.

4. Learned advocate for the respondent, however, submits that economic condition of the respondent as well is not sound. He is employed in private service. He, therefore, requests that no indulgence be caused in this matter.

5. Having regard to that the applicant is residing with her mother and economic condition is stated to be not well, which to certain extent is not seriously disputed by the other side and only mother being with the applicant in the house at Latur and some proceeding appear to have been lodged at Latur, which the respondent-husband is likely to be required to attend to, I deem it appropriate that the petition deserves to be allowed.

6. In the circumstances, the miscellaneous civil application is allowed. Rule is made absolute in terms of prayer clause "B". Courts at Latur, however, may keep the dates in the matters pending between the parties at Latur on such dates which would be convenient to the respondent-husband.

[SUNIL P. DESHMUKH, J.]