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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISCELLANEOUS CIVIL APPLICATION NO. 172 OF 2015

Poonam Rajeshkumar Manwani APPLICANT
Age - 32 years, Occ - Household,
R/o C/o Janimal Newlani,
Sai Angan Apartment, IInd Floor,
Flat No.2, Kustadham Road,
Opp. Balaji Gate, Savedi, Ahmednagar

VERSUS

Rajeshkumar Sachanand Manwani RESPONDENT
Age - 38 years, Occ - Business,
R/o H. No. 137, Pakki Kholi,
Sindhi Camp, Akola,
Taluka and District – Akola

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Mrs. Manjusha S. Jagtap, Advocate for the applicant
Mr. S. A. Patunkar, Advocate for the respondent

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 2nd FEBRUARY, 2016

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith and heard finally with consent of learned advocates for the parties.
2. Within a short span of time after having married in October, 2014, relationship between the applicant-wife and the respondent-husband appears to have turned sore. Resultantly, the applicant started residing with her parents at Ahmednagar.

3. The applicant has initiated proceedings under the Domestic Violence Act, against the respondent and also has filed proceedings under section 9 of the Hindu Marriage Act for restitution of conjugal rights. Both these proceedings have been filed in the courts at Ahmednagar. According to learned advocate for the applicant, the respondent has been attending to the dates in these proceedings at Ahmednagar. Learned advocate further submits that as a reaction to these proceedings, Petition No.6 of 2015 has been instituted by the respondent for declaration that the marriage was null and void. The proceedings, according to the applicant, have been deliberately filed by respondent-husband at Akola with a view to wear the applicant out and give up her proceedings, which are pending at Ahmednagar. Learned advocate states that it was because of the ill-treatment the applicant had been out of her matrimonial house. She further submits that it is difficult for the applicant to travel alone and attend to the proceedings at Akola. She is unlikely to get anyone from her parental house to accompany her to court at Akola. She has no source of income worth the name. She further refers to that since the husband has already been attending proceedings filed at Ahmednagar, it would be convenient for him to attend to the proceedings filed by him on

transfer to Ahmednagar.

4. Mr. Patunkar, learned advocate appearing for the respondent submits that the respondent is a businessman at Akola and as such, it is difficult for him to attend to the proceedings at Ahmednagar. He, therefore, opposes the request. However, he is not in a position to deny that the respondent is already attending to the proceedings at Ahmednagar initiated by the applicant.

5. In the circumstances, having regard to aforesaid position, wherein already the respondent is attending to two proceedings at Ahmednagar, the third proceedings on transfer to Ahmednagar can also be attended to by him conveniently, if dates are so arranged, which would make the respondent convenient to attend to the proceedings at Ahmednagar. It is further to be noted that the applicant's parental house is at Ahmednagar, the marriage has also taken place at Ahmednagar and in the circumstances, having regard to amendment to section 19 of the Hindu Marriage Act, it would not be improper to transfer proceedings instituted by the respondent at Akola to Ahmednagar.

6. In view of the same, the miscellaneous civil application is

allowed. Rule is made absolute in terms of prayer clause "B". The courts at Ahmednagar shall arrange for the dates in the matters between the parties seeing that as far as possible no inconvenience should be caused to the respondent.

[SUNIL P. DESHMUKH, J.]

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