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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISCELLANEOUS CIVIL APPLICATION NO.168 OF 2016

Asha w/o Purushottam Dhoot
Age - 33 years, Occ - Household
R/o C/o Satish Vishwanath Wadikar,
Khardekar Stop, Behind Kalika Devi Mandir
Latur, Taluka and District - Latur

APPLICANT

VERSUS

Purushottam s/o Shivnarayan Dhoot
Age - 36 years, Occ - Business
R/o Arihant Nagar, D-4,
Aurangabad, Taluka and District - Aurangabad

RESPONDENT

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Mr. Ravibhushan P. Adgaonkar, Advocate for the applicant
Mr. Mujtaba Gulam Mustafa, Advocate for the respondent

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 6th FEBRUARY, 2017

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith and heard learned advocates for the parties finally with consent.
2. Applicant - wife is before this court seeking transfer of divorce proceedings bearing HMP No. A-331 of 2016 pending before Family Court at Aurangabad instituted by respondent - husband to a Court at Latur.

3. Learned advocate for the applicant contends that the applicant is having no source of income, she is residing along with her five years old daughter with her mother and her economic condition and that of her mother is precarious and the applicant is not in a position to attend to the proceedings at Aurangabad, which is around 300 km away from Latur. Learned advocate further contends that the respondent has sufficient source of income from his business and it is not that he would not be able to attend to the proceedings at Latur.

4. Mr. Mustafa, learned advocate appearing for the respondent contends that the respondent is doing private service and in case he is required to visit frequently to Latur, there is every likelihood that he may lose his job and further that the respondent would be able to defray expenses of travel to the applicant to Aurangabad up to Rs.500/- per visit.

5. Looking at that the wife is contended to have no source of income and the financial condition of the applicant is precarious, although it is being submitted that the respondent would defray expenses of travel, the amount which is being offered may not be enough for to and fro journey for one person and it would be required to be taken into account that the applicant is a lady, it

would be difficult for her to go alone along with the child. It is wife's convenience which would over-weigh difficulties as would be faced by the respondent. The respondent can be eased out in the circumstances, if the dates according to his convenience could be arranged for at Latur on transfer of the proceedings, which to a large extent may take care of the apprehension expressed by learned advocate for the respondent.

6. In view of aforesaid, the Miscellaneous Civil Application is allowed. Rule is made absolute in terms of prayer clause "B". It is further referred to that dates before the court at Latur on transfer of proceedings be so arranged as would be convenient to the respondent and it is further expedient that proceedings at Latur be proceeded with expeditiously and be disposed of preferably within a period of six months from the date of receipt of papers at Latur. Miscellaneous Civil Application stands disposed of accordingly.

[SUNIL P. DESHMUKH, J.]