

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

MISCELLANEOUS CIVIL APPLICATION NO. 203 OF 2016

Pratima w/o Rahul Bhalerao

Age 27 years, occup. Household,

R/o C/o Ashokchandra More,

Taktode Vada, Parvati Nagar,

Parbhani, Tq. & Dist. Parbhani

.. Applicant

versus

Rahul s/o Nivrutti Bhalerao,

Age 29 years, occup. Service,

R/o Jayprakash Nagar, Kotha Road,

Vasmat, Tq. Vasmant, Dist. Hingoli

.. Respondent

Mr. Aniruddha S. Usmanpurkar, Advocate for applicant

Mr. V. P. Kadam, Advocate for respondent

CORAM : SUNIL P. DESHMUKH, J.
DATE : 26th April, 2017

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith.
2. Heard learned counsel for the parties finally by consent.
3. This is an application for transfer of proceedings filed by respondent for divorce at Vasmat bearing hindu marriage petition no. 55 of 2015 to the court at Parbhani where the

applicant has filed proceedings for restitution of conjugal rights bearing hindu marriage petition no. 290 of 2015.

4. Learned counsel for the applicant submits that a three year child is to be maintained by applicant, she has no source of income, she has to depend on her age-old parents and it is difficult for her to take small child to Vasmat. In such a case, since respondent is required to attend to the proceedings filed by applicant at Parbhani, it would be expedient that proceedings at Vasmat are transferred to Parbhani and both the matters are tried together as decision in one matter is likely to impinge on the other.

5. Learned counsel for respondent, however, purports to resist, contending that distance between the two cities is not as much as claimed by the applicant and it is only a run away plea being taken by the applicant for transfer of proceedings. Respondent is an employee in a private organization and in the circumstances, it would be difficult for him to attend to two proceedings at Parbhani and the same would put in peril his private employment.

6. Looking at that the distance is stated to be not much, yet one will have to have regard to that distance is not capable of being travelled by applicant along with a small child easily by

any convenient mode and further having regard to the nature of proceedings filed by parties against each other, it would be expedient that both are taken together.

7. In the circumstances, miscellaneous civil application is allowed and granted in terms of prayer clause (B). The dates in the proceedings, however, be so arranged as would be convenient to the respondent.

8. Rule made absolute accordingly. Miscellaneous civil application stands disposed of.

SUNIL P. DESHMUKH,
JUDGE

pnd