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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISCELLANEOUS CIVIL APPLICATION NO.219 OF 2016

Snehal Sumit Lodha

APPLICANT

Age – 28 years, Occ – Nil

R/o C/o Ashok Jawaharlal Nahata,
2/2, Kalyani Nagar, Behind Dadawadi,
Jalgaon, Taluka and District - Jalgaon

VERSUS

Sumit Mohanlal Lodha

RESPONDENT

Age – 31 years Occ – Business

R/o 56/8/9, Nakoda Hsg Society,
Old Puna Naka, Solapur
Taluka and District – Solapur.....
Mr. Anand I. Deshmukh, Advocate for the applicant

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 20th MARCH, 2017

ORAL JUDGMENT :

1. None for the respondent.
2. Rule. Rule made returnable forthwith and heard learned advocate for the applicant finally with consent.
3. This miscellaneous civil application has been preferred by the applicant – wife seeking transfer of proceedings bearing No.A179 of 2016 filed by respondent – husband seeking

restitution of conjugal rights in the family court at Solapur, to a competent court at Jalgaon.

4. Learned advocate submits that the respondent – husband is a drunkard and has certain other vices and had ill-treated the applicant. The applicant has been driven out of matrimonial house along with child. The applicant has preferred proceedings under Domestic Violence Act bearing D. V. Act Case No.136 of 2016 in the court of Chief Judicial Magistrate, Jalgaon. It is submitted that the distance between Solapur, where the proceedings have been initiated by respondent – husband for restitution of conjugal rights and Jalgaon, where the applicant is presently residing, is about 600 km and it is difficult for the applicant to attend to the proceedings at Solapur. She has to maintain her three year old child born from the marital relationship. Apart from that her parents are not in a position to accompany her to Solapur. Their economic condition as well is not good.

5. Despite service, none appears for the respondent. In absence of the respondent, aforesaid contentions go uncontroverted, which to a large extent show a tacit acceptance of the request made under the miscellaneous civil application.

6. As such, the Miscellaneous Civil Application stands granted in terms of prayer clause "B" and is disposed of. Rule is made absolute in aforesaid terms.

[SUNIL P. DESHMUKH, J.]

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