

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

MISCELLANEOUS CIVIL APPLICATION NO. 240 OF 2016

Shri. Hemant Sudhakar Jadhav
Age 48 years, occupation : Business,
R/o 67 Polan Peth, Tijori Galli,
Near Hotel Yuvraj, Jalgaon,
Tal. & Dist. Jalgaon .. Applicant

versus

Sau. Manju Hemant Jadhav,
Age : 42 years, occupation : Household,
R/o c/o Rajendra Digambar Chavan,
Behind Subhash Putla, Galli No. 6,
Old Dhule, Tal. & Dist. Dhule .. Respondent

Mr. Datta A. Madake, Advocate for applicant
Mr. Amit S. Savale, 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 parties finally by consent.
3. This is an application by husband for transfer of proceedings lodged by respondent – wife at Dhule seeking

restitution of conjugal rights bearing hindu marriage petition no. 1 of 2016 to a court at Jalgaon.

4. Learned counsel for the applicant – husband states that pursuant to order passed on 05-07-2016 by learned Judicial Magistrate [court no.4] at Dhule, respondent – wife has started residing at Jalgaon along with children and further that proceedings which had been filed by him at Jalgaon for divorce have been dismissed.

5. Learned counsel for respondent – wife purports to resist, stating that order dated 05-07-2016 is by way of interim relief and in case the proceedings are not decided in favour of the present respondent, there is possibility of she being required to go out of the present accommodation provided under the order of the court. It is further being submitted on respondent's behalf that the applicant is not paying maintenance. It is difficult for her to arrange finance to prosecute litigation at Jalgaon. Her brother is looking after litigation at Dhule.

6. Looking at that there is no denial of position emerging as on the date that the respondent along with children is residing at Jalgaon pursuant to order dated 05-07-2016, both

the parties being residents of Jalgaon, finance could be arranged for from Dhule for prosecution of litigation at Jalgaon and it shall not be such an impediment for the respondent.

7. Aforesaid apart, it is being pointed out that applicant has deposited a sum of ₹ 30,000/- in respondent's account towards arrears of maintenance.

8. Taking overall view of in the matter, it appears to be expedient that the request under the application is granted as the same would be convenience to either side. So far as difficulties expressed by applicant with regard to arrangement of funds are concerned, to some extent, the same can be attenuated by directing applicant to deposit a sum of ₹ 10,000/- upon transfer of proceedings at Jalgaon to be withdrawn by respondent.

9. As such, miscellaneous civil application stands granted in terms of prayer clause (A). The matter on transfer be proceeded with expeditiously and disposed of within a period of six months. The applicant – husband shall deposit a sum of ₹ 10,000/- in the court at Jalgaon for being paid to the respondent – wife towards expenses. The amount to be

deposited within a period of three weeks from the date of receipt of papers of matter transferred at Jalgaon.

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

SUNIL P. DESHMUKH,
JUDGE

pnd