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

MISC. CIVIL APPLICATION NO.245 OF 2016

Sharayu Rajkumar Goge,
Age: 33 years, Occu: Household,
R/o C/o Baburao Gangaramappa Petkar,
At post Sagroli, Tq. Biloli,
District Nanded and presently staying at
Bapu Vithai Girls Hostel,
Near Sahyog Campus, Vishnupuri,
Nanded, Dist. Nanded

..APPLICANT

VERSUS

Rajkumar s/o Manmathappa Goge,
Age: 37 years, Occu: Business,
R/o House No. 4-18-34, V/D-4,
Vishnu Nagar, Near Jawahar Colony,
Aurangabad, Dist. Aurangabad

RESPONDENT

Mr R. B. Narwade Patil, Advocate for applicant;
Mrs R. R. Mane, Advocate for respondent

CORAM : N.W. SAMBRE, J.

DATE : 14th June, 2017

ORAL ORDER

By the present application under Section 24 of the Code of Civil Procedure, the applicant-wife seeks transfer of proceedings being Petition No. A-478 of 2016, initiated by respondent-husband under Section 13 (1) (a-1) of the Hindu Marriage Act for divorce, from the file of Family Court, Aurangabad to the Family Court, Nanded.

2. According to the applicant, she will suffer great hardship and inconvenience if the matter is continued at Family Court, Aurangabad, as she is residing at village Sagroli along with her parents, which is almost 50

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kms. away from Nanded. It is also alleged that she is pursuing her studies and as such it is difficult for her to attend the proceedings at Aurangabad and sought transfer.

3. Reliance is placed on the judgment of the Apex Court in the matter of **Vaishali Shridhar Jagtap Vs. Shridhar Vishwanath Jagtap** reported in **2016 AIR (SC) 3584** so as to state that the comparative hardship of the wife would be more than that of the respondent-husband.

4. The respondent opposed the application on the ground that he along with his aged mother, who needs constant medical attention and a minor son aged about 8 years is residing at Aurangabad. The said fact is not disputed by the applicant. According to the learned Counsel for the respondent, it is respondent who will suffer more hardship.

5. Upon instructions, a categorical statement is made by the learned Counsel appearing on behalf of the respondent that the respondent is ready and willing to pay Rs.3,000/- on each date of the Court attendance to the applicant towards to and fro travel expenses and other expenses, as there is better connectivity by rail as also by road between Nanded to Aurangabad.

6. Considered the rival submissions. If the issue of hardship is considered, having regard to the fact that the respondent is not yet re-married and is taking care of minor son who is attending school and that

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of his old aged mother, it is the respondent who will suffer great hardship as compared to that of the applicant, in case if the proceedings are ordered to be transferred to Family Court, Nanded. It is also fact that there is better rail and road connectivity between Nanded and Aurangabad. The proposal of the respondent that he shall bear costs of Rs.3,000/- towards travel and other expenses of the applicant on each date of the Court attendance, appears to be more reasonable.

7. In the light of what has been stated above, I pass the following order:-

The respondent-husband shall deposit an amount of Rs.6,000/- in the Family Court, Aurangabad by the next date that would be fixed by the said Court. If such amount is deposited, the Family Court, Aurangabad shall ensure that if the present applicant attends the proceedings being Petition No. A-478 of 2016, she is paid amount of Rs.3,000/- on each date of the proceedings.

The respondent thereafter shall continue to deposit an amount of Rs.3,000/- on each date of the Court attendance on which the applicant attends the proceedings at Aurangabad.

If the amount as ordered is not deposited by the respondent by the next date of hearing before the Family Court, Aurangabad, it shall be treated that the present application is allowed in terms of prayer clause (B).

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With above observations and directions, Misc. Civil Application stands disposed of.

(N.W. SAMBRE, J.)

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