

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISC. CIVIL APPLICATION NO.71 OF 2016

Madhuri Nishikant Giri	...	Applicant
versus		
Nishikant Krushnakumar Giri	...	Respondent

Mr. Ramkrushna Yedave i/by Mr. Vijay Killedar, for Applicant.
None for Respondent.

CORAM: S.J. KATHAWALLA, J.

DATE: 15th SEPTEMBER, 2017

P.C.:

1. By the above Misc. Civil Application filed under Section 24 of the Code of Civil Procedure, 1908, the Applicant-wife seeks transfer of the Hindu Marriage Petition No.156 of 2015 filed by the Respondent-husband and pending before the 4th Civil Judge, Sr. Div. Latur to the Civil Judge, Senior Division, Jaysingpur.
2. The marriage between the Applicant and Respondent was solemnized on 27-02-2015. Due to serious disputes between the parties, the Applicant left the matrimonial home within 15 days of the marriage and started residing with her parents at Jaysingpur. The Respondent had filed Petition No.156 of 2015 seeking restitution of conjugal rights. It is submitted on behalf of the Applicant that the distance between Jaysingpur to Latur is 400 kms. (one way). It will cause grave inconvenience to her if she is required to travel 800 kms (to and fro) to attend the proceedings filed by the

Respondent before the Civil Judge. Sr. Division at Latur. She has submitted that her parents are very old and are suffering from several ailments including cardiac problems. Her brother is a student and therefore there is no one who can accompany her all the way from Jaysingpur to Latur, which will involve an overnight journey. Even otherwise, she is unemployed and financially completely dependent on her parents for her daily survival. The Respondent has not paid her a single rupee towards her maintenance after their separation. She has filed a Criminal Misc. Application No.229 of 2015 under Section 125 of the Code of Criminal Procedure at Jaysinghpur which the Respondent will have to attend. She has therefore, submitted that grave inconvenience and hardship will be caused to her if she is required to travel 800 kms. from Jaysingpur to Latur to attend the proceedings and therefore, the above Application be allowed.

3. The Respondent is served with a copy of the Misc. Civil Application and is also informed by an order dated 8th August, 2017 that this Court has directed that the matter be placed for final hearing on 18th August, 2017. However, the Respondent has failed and neglected to remain present personally and/or through his Advocate. In view thereof, in the absence of any defence or contest by the Respondent, the averments contained in the Misc. Civil Application have remained uncontroverted. I see no reason why the statements / submissions made by the Applicant in the above Misc. Civil Application should not be accepted. In the

circumstances, I am satisfied that grave inconvenience and hardship will be caused to the Applicant, if the relief sought in the above Misc. Civil Application is not granted. On the other hand, no hardship/inconvenience will be caused to the Respondent who is already attending / shall be attending the proceedings filed by the Applicant before the Court at Jaysingpur. In the circumstances, I pass the following order :

- i. The Hindu Marriage Petition No.156 of 2015 filed by the Respondent before the 4th Civil Judge, Senior Division, Latur, stands transferred to the Civil Judge, Senior Division, Jaysingpur.
- ii. The Court Civil Judge, Senior Division, Latur shall ensure that the papers and proceedings of Hindu Marriage Petition No.156 of 2015 are received by the Civil Judge, Senior Division, Jaysingpur on or before 25th September, 2017.
- iii. Parties and / or their Advocates shall appear before the Civil Judge, Senior Division, Jaysingpur on 28th September, 2017 at 11.00 a.m. and obtain appropriate orders / directions.
- iv. The learned Civil Judge, Senior Division, Jaysingpur shall endeavour to dispose off the Hindu Marriage Petition No.156 of 2015 within a period of six months from 28th September, 2017.
- v. The parties as well as the learned Civil Judges, Senior Division, Latur and Jaysingpur to act on an authenticated copy of this order.
- vi. A copy of this order shall be forthwith forwarded to the Respondent by the

Advocate for the Applicant by Speed Post A.D./Registered Post A.D. and/or by hand delivery.

vii. The above Misc. Civil Application is allowed in the aforesaid terms, with no order as to costs.

(S.J.KATHAWALLA, J.)