

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 263 OF 2017

Mrs. Varsha Nitin Meshram ... Applicant

Versus

Mr. Nitin Manohar Meshram ... Respondent

Mr. Nitesh Bhutekar alongwith Ms. Prachi Khandge instructed by M/s. M.P. Vashi
and Associates for the Applicant.

Mr. Abhijeet Joshi for the Respondent.

CORAM : S.J. KATHAWALLA, J.
DATED : 22nd SEPTEMBER, 2017

P.C.:

1. By the above Miscellaneous Civil Application filed under Section 24 of the Code of Civil Procedure, 1908, the Applicant-wife seeks transfer of Hindu Marriage Petition No. 56 of 2017 filed by the Respondent-husband seeking restitution of conjugal rights pending before the Court of Civil Judge, Senior Division at Gondia to the Court of Civil Judge, Senior Division at Pune.

2. According to the Applicant, the marriage between her and the Respondent was solemnized at Nanded on 30.10.2010. Since disputes arose between the parties, from May 2016 she started residing with her parents at Pune. According to the Applicant, the Respondent-husband who was also staying at Pune and also had a ownership house at Pune, disposed off the same and shifted to Gondia which is 888

kms. from Pune. The Respondent filed a Petition seeking restitution of conjugal rights at Gondia after receiving notice from the Advocate for the Applicant informing him that divorce proceedings have been filed by the Applicant before the Court of Civil Judge, Senior Division, Pune.

3. The Applicant is working at Pune, she is not receiving any maintenance from the Respondent-husband who is an I.T. Professional. The Respondent states that he has no income since he is jobless and is dependent on his parents. The Applicant has submitted that grave inconvenience and hardship will be caused to her if she is required to travel a distance of approximately 1600-1700 kms. from Pune to Gondia (to and fro). As against this, the Respondent who claims to be jobless and is taken care of by his parents can always go to Pune and defend the divorce proceedings.

4. It is clear that the Respondent who was working and residing at Pune has given up his job and shifted to Gondia. It appears that he has filed the Petition seeking restitution of conjugal rights, only to cause harassment to the Applicant. He is also not paying any maintenance to the Applicant on the ground that he is jobless. If he is admittedly not doing anything in life he surely can go and attend the matrimonial proceedings at Pune instead of expecting the Applicant to pursue the divorce proceedings. Hence the following Order is passed.

(a) The Hindu Marriage Petition being No. 56 of 2017 filed by the Respondent-husband is directed to be transferred from the Court of Civil Judge, Senior Division at Gondia to the Court of Civil Judge, Senior Division at Pune.

- (b) The Court of Civil Judge, Senior Division at Gondia is directed to transmit the papers and proceedings of Hindu Marriage Petition No. 56 of 2017 to the Court of Civil Judge, Senior Division at Pune on or before 10th October, 2017.
- (c) The parties and/or their Advocates shall appear before the Court of Civil Judge, Senior Division at Pune on 12th October, 2017 at 11.00 a.m. and obtain appropriate orders.
- (d) The Court of Civil Judge, Senior Division at Pune shall endeavour to dispose off the Hindu Marriage Petition No. 56 of 2017 within a period of six months from the date of this Order.
- (e) The parties shall not seek adjournment/s unless absolutely necessary. The Court of Civil Judge, Senior Division, Pune shall also not grant adjournment/s to either side unless absolutely necessary.
- (f) The parties as well as the Court of Civil Judge, Senior Division at Gondia and the Court of Civil Judge, Senior Division at Pune to act on an authenticated copy of this Order.
- (g) All contentions of the parties are kept open.
3. Miscellaneous Civil Application is allowed in the aforesaid terms, with no order as to costs.

(S.J.KATHAWALLA, J.)