

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.32 OF 2018

SEEMA AKASH BEEDKAR
VERSUS
AKASH ANANDRAO BEEDKAR

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Advocate for Applicant : Shri Karkare S.D.
Advocate for Respondent : Shri Deshpande Shantanu A.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: December 13, 2018

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PER COURT :-

1. This Court (Coram : V.K.Jadhav, J.) noted the submissions of the applicant / wife and passed the following order on 23.3.2018:-

"1. Learned counsel for the applicant-wife submits that the applicant-wife is having three years old son and thus it is difficult for her to travel the distance of 250 kilometers from Nanded to Aurangabad to attend the dates in Family Court at Aurangabad in the pending HMP No. 268 of 2017.

2. In view of above, issue notice to the respondent husband, returnable on 08.06.2018.

3. Till the next date of hearing, further proceeding in H.M.P. No. 268 of 2017 pending before the Family Court at Aurangabad are stayed."

2. Learned counsel for the respondent / husband filed an affidavit

in reply on 24.9.2018. It is brought to the notice of this Court that the applicant had moved an application Exhibit 15 through Advocate Shri Karkare on 27.12.2017 in Petition No. 268 of 2017 before the Family Court at Aurangabad seeking travelling expenses. By order dated 12.1.2018, the Family Court allowed Exhibit 15 and directed the husband to pay travelling expenses at the rate of Rs.1000/- per visit, if the journey is undertaken by the wife from Nanded to Aurangabad. It is informed that the general category express train ticket costs about Rs.90/- for a one way per person journey from Nanded to Aurangabad.

3. Considering the submissions of the learned Advocate for the husband that the applicant has mis-led this Court and suppressed material facts, I have perused the pleadings in the application and the documents produced by the husband. There is not a single sentence in the Misc. Civil Application made by the applicant / wife that she has made an application for demanding conveyance / travelling expenses. In fact, it is mentioned in paragraph No.5 that the applicant cannot afford to travel as it amounts to loss of money and also physical harassment. This application is filed through the same learned Advocate Shri Karkare. It was allowed on 12.1.2018. At page No.42, which is a part of the affidavit of the respondent, I find that a purshis was filed instantly by the husband on 12.1.2018, when the order was passed by the Family Court, thereby paying Rs. 1000/- for the visit of the wife on

12.1.2018. Shri Karkare has written in his own handwriting that he has received an amount of Rs.1,000/-. The wife has also signed on the same purshis.

4. Considering the above, I find that a material fact, which would have a direct impact on the result of this proceedings, was suppressed not only by the applicant Seema, but also by Advocate Shri Karkare. This case is squarely covered by the judgment delivered by the Honourable Apex Court in the matter of Bhaskar Laxman Jadhav and Ors. Vs. Karamveer Kakasaheb Wagh Education Society and Ors. [AIR 2013 SC 523], in which the Honourable Apex Court has passed strictures on litigants who suppress material facts from this Court.

5. In view of the above and also keeping in view the law laid down in Kishore Samrite Vs. State of UP and others, (2013) 2 SCC 398, this application is dismissed by imposing costs of Rs.5,000/- on the applicant. The said amount shall be deposited by the applicant before the Family Court in the pending proceedings at Aurangabad on/or before 15.1.2019, failing which, the same would be set off against the payment of travelling expenses by the husband to the wife. For this reason of suppression of material facts, the applicant / wife would be precluded from seeking transfer of proceedings.

6. Though I was inclined to initiate action against Shri Karkare, Advocate, he has tendered an apology and assured that henceforth he would be careful in such matters and would not be a party to suppression of material information from this Court. Hence, I am not passing any order.

(RAVINDRA V. GHUGE, J.)

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