

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISCELLANEOUS CIVIL APPLICATION NO. 211 OF 2017

Rupali w/o Suhas Patil
Age-28 years, Occu: Household,
R/o. C/o. Devidas Ramkrushna Hursal,
House No. 193, Mahada Colony,
Shivaji Nagar, Bhokardan Road, Jalna ...Applicant

Versus

Suhas s/o Surendra Patil
Age-36 Years, Occ: Service
R/o Nilkantha Nagar, Amdapur Naka.,
Khamgaon Tq. Khamgaon Dist. Buldhana ...Respondent

Second Address-
Suhas s/o Surendra Patil,
R/o. N-8, Vinayak Housing Society,
Near Adivasi Boys Hostel, CIDCO,
Aurangabad Tq. And Dist. Aurangabad.

...
Mr. Vishnu M. Jaware, Advocate for applicant
Mr. R. M. Shaikh, Advocate for respondent
...

[CORAM: SUNIL P. DESHMUKH, J.]
Date: 06th June, 2018

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith and heard finally with consent of learned counsel for the parties.
2. This miscellaneous civil application has been moved by the applicant-wife seeking transfer of proceeding

bearing Hindu Marriage Petition no. 138 of 2017, instituted by the respondent-husband at Khamgaon Dist. Buldhana to Jalna.

3. It is submitted on behalf of applicant that about four proceedings have been initiated by her at Jalna which are being attended to by the respondent- husband. It is being contended on behalf of the applicant that to attend to the proceeding at Khamgaon is difficult for her, since the distance between the two cities is about 148 km.

4. Aforesaid apart, it is also submitted that the applicant is staying with her old-age parents and if applicant has to attend the proceedings at Khamgaon, she would require someone with her since her parents are age-old persons and not able to move, and as such, she would not be able to bear expenses over travelling of person accompanying her, as she has no independent source of income.

5. Learned counsel for respondent states that a daughter begotten from the relationship, who is 4 years of age, is residing with respondent-husband and is being

maintained by him at Khamgaon since his parents are age old and his father is paralytic patient. Except him, there is nobody to look-after his daughter and parents. He under the circumstances submits that if the proceeding is transferred from Khamgaon to Jalna, it would be difficult for him to look after his daughter who is school going and also parents who are unable to move. He submits that one of the proceedings at Jalna is already disposed of.

6. However, learned counsel are not at dispute that four more proceedings between the parties, pending at Jalna, have been attended to by the respondent-husband.

7. Looking at the circumstances that respondent-husband is attending to proceedings at Jalna, it appears to be expedient to consider the request made under miscellaneous civil application.

8. As such, the miscellaneous civil application is granted in terms of prayer clause (B) and is disposed of.

9. Proceedings between the parties at Jalna be expedited. In view of request made on behalf of the

respondent, dates in the proceeding at Jalna be so arranged to be convenient to the respondent.

10. Rule is made absolute accordingly.

[SUNIL P. DESHMUKH, J.]

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