

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.248 OF 2017
(Nirupama Darshan Pathare Vs. Darshan Sonaji Pathare)

Mr.S.D.Kamble, Advocate for the applicant.
Mr.A.R.Vaidya, Advocate for the respondent.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 26/03/2018

PER COURT :

1. This matter is heard for some time. On 05/02/2018, the submissions of the applicant/wife were recorded as under :-

"1 The Applicant/ wife prays for transferring Hindu Marriage Petition No.170/2017 from the Court of the learned Civil Judge, Senior Division at Kalyan, District Thane to the Court of the learned Civil Judge, Senior Division at Aurangabad.

2 The contention is that the Respondent/ Husband has deserted the Applicant, who is residing at Aurangabad with a child born out of the marriage, who is about 5-6 years of age. Her parents reside in Aurangabad city. The distance between Aurangabad and Kalyan is about 300 kilometers. Two cases, Application PWDVA No.25/2016 and Criminal Miscellaneous Application No.389/2013 filed by the Applicant, are pending before the Courts at Aurangabad and the Respondent/ Husband attends the hearing in the said matters.

3 Issue notice to the Respondent returnable on 16.03.2018.

4 The copy of the application paper book shall be

supplied by the Applicant on or before 14.02.2018, failing which, this application shall stand dismissed without reference to the Court on 15.02.2018.

5 *Until the returnable date in this matter, the Trial Court shall adjourn HMP No.170/2017.”*

2. Learned Advocate for the respondent / husband submits on instructions that as the respondent is attending two proceedings at Aurangabad, he would not object to the transfer of HMP No.170/2017 to Aurangabad, provided the said proceedings are expedited and a common date is granted in his 3 cases at Aurangabad so that he can attend to the said proceedings in a single visit.

3. Considering the above, this petition is allowed and HMP No.170/2017 pending before the learned Civil Judge, Sr.Dn. at Kalyan shall be transferred to the learned Civil Judge, S.D. Aurangabad. The respondent/husband would be at liberty to pray for a common date in all the 3 matters at Aurangabad in order to attend these proceedings in his single visit to Aurangabad. Considering that one proceeding is of the year 2013, the other proceeding is of the year 2016 and the HMP is of 2017, the learned Courts dealing with these matters, would endeavour to decide these proceedings expeditiously.

(RAVINDRA V. GHUGE, J.)