

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

MISC.CIVIL APPLICATION NO. 230 OF 2017

**UMA ALIAS POONAM VIRESH SWAMI
VERSUS
VIRESH RUDRAYYA SWAMI**

...
Advocate for the Applicant : Shri D. S. Mali

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 28th AUGUST, 2018.

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PER COURT :

1. Though the respondent has been served and this matter is listed for final disposal from 08/02/2018, no appearance has been entered by the respondent in these last six months, despite several chances.
2. I have heard the learned Advocate for the applicant.
3. The learned Advocate for the applicant submits that after she was driven out of the marital home, she has started residing at her parents home at Yenegur, Taluka Omerga. The respondent- husband has preferred proceedings in P.A. No. 1347/2015 before the learned Family Court at Pune, seeking dissolution of marriage. The applicant has to travel a distance of 320 kms. from Yenegur to Pune and being of about 25 years

of age, an adult member has to accompany her in a long journey upto Pune. Her parents are senior citizens and cannot frequently undertake the said journey.

4. The learned Advocate for the applicant places reliance upon the following judgments :-

(1) AIR 2002 Supreme Court 396, Sumita Singh Vs. Kumar Sanjay.

(2) 2005 (12) SCC 301, M. Sivagami Vs. R. Raja.

(3) 2014 (1),Mh.L.J. 584, Sayali Vs. Swapnil.

5. The learned Advocate for the applicant- wife fairly submits that the learned Family Court at Pune had earlier passed an order on application Exhibit 14 filed by the applicant herein, praying for expenses for undertaking the journey from Yenegur to Pune. The said application was allowed. Yet, the husband has not deposited any amount for the visits undertaken by the applicant, till today. It is further clarified that if this Court allows this application, the applicant would hence forth stop seeking the travelling expenses.

6. Considering the above and the law crystalized, this application is allowed in terms of prayer Clause 'B' which

reads as under :-

"B] By issuing appropriate orders or directions the P.A. No. 1347/2015 pending before learned Family Court Pune may kindly be transferred to Civil Judge Senior Division Omerga, Dist. Osmanabad".

7. The applicant shall appear before the Court of the learned Civil Judge, Senior Division, Omerga, District Osmanabad on 28/09/2018.

8. If the respondent- husband does not appear, notice may be issued by the said Court.

9. The applicant- wife would not be entitled for travelling expenses from the date of this order, notwithstanding the fact that she would be entitled to recover earlier outstanding amounts, if unpaid by the husband for the journey undertaken by her from Yenegur to Pune, herebefore.

(RAVINDRA V. GHUGE, J.)

shp/-