

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.79 OF 2019

MANJUSHRI PANDURANG GARAD
VERSUS
PANDURANG DATTARAO GARAD AND OTHER

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Advocate for Applicants : Shri Muneshwar G.K.
Advocate for Respondents 1 to 3 : Smt. Mapari Savita G.

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CORAM : RAVINDRA V. GHUGE, J.

Dated: April 25, 2019

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PER COURT :-

1. The applicant / wife prays for transferring HMP No.173 of 2018, filed by the respondent / husband, from the court of the learned VIII Joint Civil Judge S.D., Aurangabad to the court of the learned Civil Judge S.D. Pusad, District Yavatmal.

2. The applicant submits that the distance between Pusad and Aurangabad is about 350 Kms. She is residing with her parents. The two children (a boy aged 13 years and a second son aged 10 years) are residing with the respondent. She cannot travel alone to Aurangabad and two overnight journeys are required and an adult member has to accompany the applicant.

3. It is submitted that a proceeding for seeking maintenance and another proceeding under the Protection of Women from Domestic

Violence Act, 2005 have been lodged in the Courts at Umarkhed. Notice is not yet to be served upon respondent No.1 / husband.

4. The learned Advocate for respondent No.1 / husband submits that he is employed in a company in the Waluj Industrial Area. He is a permanent employee. The two minors sons, born out of the marriage, are residing with him. The elder son is presently in a hostel, taking education, at Newasa. The husband cannot frequently take leave and attend Court proceedings. Frequent absence from employment on the ground of litigation may not be properly taken by the employer and in the event he loses his job, he would be rendered without any regular monthly income. He is spending on the education of his children and loss of employment would put the future of his children in jeopardy.

5. It is submitted that the applicant can travel along with her father or a brother or any adult person closely related to her and the husband would pay for their travelling expenses on submission of the bus-tickets before the Court at Aurangabad. Upon verifying the bus-tickets, he would pay the charges immediately in the Court. He, however, makes it clear that if respondent No.2 or 3 are seen along with her or travelling with her, he would point it out to the Court and the travelling expenses of either of them shall not be paid by the

husband.

6. Considering the above and keeping in view that the husband is presently in a manufacturing company in the Waluj Industrial Area, Aurangabad and is supporting two children, I find that in this case, wherein the wife has initiated proceedings after the husband has filed the petition, would not be an appropriate case to direct the husband to attend court proceedings at Pusad.

7. Considering the above, this application is disposed off by recording the statement of the husband that he would pay bus fare to the wife and any adult close relative, who would travel along with her from Umarkhed to Aurangabad and return journey, subject to verification of bus-tickets. It needs to be added that the husband would also pay an amount of Rs.1000/- towards food and lodging charges after the applicant / wife reaches Aurangabad, for the day of her visit.

(RAVINDRA V. GHUGE, J.)

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