

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.458 OF 2019
IN MCA/133/2016

MANGESH ASHOKRAO DHAGE
VERSUS
YOGITA MANGESH DHAGE

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Advocate for Applicant : Shri Kadarale Nitin S
Advocate for Respondent : Shri Bedre V..S.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: February 06, 2019

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PER COURT :-

1. On 18.1.2019, the following order was passed:-

"1. Learned advocate for the applicant submits that when Miscellaneous Civil Application No. 133/2016, (Number corrected as per speaking to the minutes of the order, dated 25.1.2019) came up for hearing before this Court, an order was passed on 29.06.2017, directing the respondent/husband that he shall deposit Rs. 12,000/-, before the Trial Court and the applicant/wife would withdraw an amount of Rs. 6,000/- on each date for travel expenses as she was traveling from Taluka Shevgaon, District Ahmednagar, for attending the proceedings initiated by the husband at Pune.

2. It is now pointed out that the said wife has purportedly occupied the residence of the husband forcibly in Pune. The applicant/husband is compelled to leave in rented premises

along with his parents. His wife is admitted for the PG course in the medical faculty. She is residing in the said house at Pune and is also taking education. Hence, it is stated that the payment of Rs. 6,000/- per visit to the Trial court at Pune is not required to be paid. Learned advocate for the respondent/wife prays for time to take instructions.

3. *Stand over to 01.02.2019, in the urgent admissions category. "*

2. Learned Advocate for the wife does not dispute that she is presently occupying the flat at Pune, which is owned by the husband. He hastens to add that the wife has not forcibly taken possession of the flat, but it was an arrangement between the parties to live together in the said flat as a part of the mediation process.

3. The learned Court in HMP No.1303 of 2015, had passed an order, directing the payment of Rs.6,000/- to the wife, besides the maintenance amount, as travelling charges for attending the Court proceedings at Pune from Ahmednagar. Rs.6,000/- were to be paid on each date of visit.

4. As such, now, that the wife is residing in Pune and is occupying the flat owned by the husband, the travelling and

pocket expenses need not be paid since the date from which the wife has started residing at Pune. This Civil Application is, therefore, allowed in these terms.

5. Needless to state, in the event of any change in the circumstances in future, the parties would be at liberty to avail of such remedies as may be permissible in law.

6. Learned Advocate for the wife submits that as the couple are well educated persons and should make an attempt to save the marriage, this matter could be referred to a Mediator at Pune. Learned Advocate for the husband submits that two attempts were already made earlier.

7. In my view, it is always advisable to resort to mediation proceedings, if a marriage could be saved and the sufferings of the minor daughter of this couple are to be reduced. The trial Court shall, therefore, assess as to whether this couple could be referred once again for mediation with the hope of saving a marriage.

8. The learned Court dealing with HMP No.1303 of 2015 shall forthwith frame appropriate issues in the matter and shall

endeavour to decide the said proceedings as expeditiously as possible and preferably on/or before 31.3.2020, if the mediation fails.

(RAVINDRA V. GHUGE, J.)

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akl/d