

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.242 OF 2018
(Rekha w/o Anil Bhosale Vs. Anil s/o Gopalrao Bhosale)

Mr.Krishna Rodge h/f Mr.P.G.Rodge, Advocate for the applicant.
Mr.G.G.Suryawanshi, Advocate for the respondent.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 04/03/2019

PER COURT :

1. While issuing notice on 04/12/2018, I had passed the following order :-

"1. The applicant/wife prays for transferring Petition No.A-159/2014 (HMP No.140/2013) from the Family Court, Nanded to the Court of the Civil Judge, Senior Division at Udgir, Dist.Latur.

2. It is submitted that the applicant is presently residing with her parents at Village Devarjan, Tq.Udgir, Dist.Latur, after having been driven out of her marital home. A girl child born out of the wedlock, that was solemnized in the year 2008, is living with the applicant. The applicant used to be ill-treated, beaten and tortured mentally and physically by demanding two lakhs of rupees. She was driven out of the house on account of the birth of a girl child.

3. The husband has instituted the said proceedings at Nande, seeking dissolution of marriage. She has filed a complaint under Section 498-A, 323, 504 of Indian Penal Code at Police Station, Udgir and accordingly R.C.C.No.182/2012 is registered. The applicant also filed Criminal Miscellaneous Application No.241/2012 under Section 125 of the Code of Criminal Procedure at Udgir. The distance between Devarjan to Nanded is about 170 Km, and she has to carry her daughter alongwith an adult member of the family to Nanded.

4. Reliance is placed upon the judgment of the Hon'ble Apex Court in the matters of Anita Balkrishna Barge Vs. Balkrishna Sopan Barge [(2011) 1 Mh.L.J. 519] and Smt.Irene Blanch Khera and another Vs. Glenn John Vijay Ambrose e Sausa Ticlo [(2018) 6 Mh.L.J.199].

5. Issue notice to the respondent, returnable on 25/01/2019. Until then, the Family Court, Nanded shall adjourn Petition No.A-159/2014 (HMP No.14/2013).

6. Copy of the application paper book for issuance of notice shall be supplied and all office objections shall be removed on/or before 14/12/2018, failing which this application shall stand dismissed without reference to the Court on 15/12/2018."

2. Learned Advocate for the respondent/husband strenuously opposes this application. He submits that after an ex-parte decree of

divorce was granted, the respondent has got married and is also a father of a male child.

3. Learned Advocate for the applicant/wife submits that she is unable to travel a distance of 50 kms from Devarjan to Udgir and 170 kms from Udgir to Nanded. It is because of her difficulties, hardships and inconvenience that the respondent could succeed in getting the ex-parte divorce decree and has quickly got married indicating his ulterior motives. He also participates in various proceedings filed by the wife at Udgir.

4. In view of the above, this application is allowed. Petition No.A-159/2014 (HMP No.14/2013) stands transferred to the Court of the learned Civil Judge, Senior Division, Udgir. The litigating sides shall appear before the Court at Udgir on 25/03/2019. Formal notices are not necessary.

5. The husband is at liberty to pray for common dates in all the matters at Udgir so as to attend the Court proceedings in common visits.

(Ravindra V.Ghuge, J.)