

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.309 OF 2018

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.Rahul Patil, Advocate i/b Mankapure for petitioner.

Mr. Nitin B. Patil advocate for respondent.

CORAM : K.K.TATED, J.

DATED : JUNE 6, 2019

P.C.

Heard learned counsels for parties.

2. By this application, the applicant/wife, is seeking transfer of Hindu Marriage petition No.302/2017 pending before Family Court at Latur, District-Latur, to Civil Judge, Senior Division, Pandharpur, District-Solapur for final hearing.

3. Learned Counsel for applicant submits that the applicant is staying at Vakhari village, Taluka-Pandharpur, District-Solapur. He further submits that the applicant also filed application u/s 125 of the Criminal Procedure Code at Pandharpur for maintenance charges. He submits that the

distance between her village to Latur is near about 191 kilometer . He submits that it is not possible for the applicant to travel alone from her village to Latur. He submits that one may it take at least 3-4 hours. He further submits that being a lady, it is very difficult for her to travel by bus to Latur. He submits that in the interest of justice this Court be pleased to transfer Hindu Marriage Petition No.302/2017 filed by respondent/husband u/s 13(1) (ia) (ib)(iii) of Hindu Marriage Act, to Pandharpur Court. He submits that if present application is not allowed, irreparable loss would be caused to applicant.

4. On the other hand, learned counsel appearing on behalf of respondent/husband vehemently opposed the present application. He submits that respondent already filed their affidavit of evidence in trial court. On several occasions no one appeared on behalf of the applicant, hence, the trial court had passed order of 'no cross'. Thereafter the applicant filed application for setting aside the said order and same was allowed. He submits that the matter is pending for evidence and it can be disposed of within

short period. He submits that respondent/husband is ready and willing to pay Rs.1500/- by way of expenses to the applicant. He submits that the applicant/wife appears before the trial court at Latur. He submits that, if the matter is expedited then that, same can be disposed of within short time. Therefore, there is no question of transferring the said matter from Latur to Pandharpur.

5. Heard learned counsels for parties at length. Learned counsel appearing on behalf of the applicant submits that if respondent is ready and willing to pay sum of Rs.1500/- for each date whenever plaintiff appears, then he has no objection to continue the said petition at Latur. He submits that the marriage petition may be expedited so that, same can be disposed of in prescribed time.

6. Hence, the following order.

a)Hearing of Hindu Marriage Petition No.302/2017, pending before Family Court, Latur, is expedited.

b)This Court expects that the trial

court decides the matter as early as possible but in any case on or before 31.03.2020.

c)Respondent/husband to pay sum of Rs.1,500/- to the applicant/wife on each date, whenever the applicant attends Court at Latur.

d) If there is any default on the part of respondent/husband to pay Rs.1,500/- on the same day, in that case, the applicant/wife is at liberty to move before this Court for transferring Hindu Marriage Petition No.302/2017 from Latur to Pandharpur.

e)Miscellaneous Civil Application stands disposed of accordingly.

(K.K.TATED, J.)