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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISC. CIVIL APPLICATION NO.239 OF 2019

Smt. Triveni Sagar Jadhav

... Applicant

Versus

Shri Sagar Bajrang Jadhav

... Respondent

Mr. Satyajeet Anil Rajeshirke for the Applicant.

Mr. Mayur Salunkhe a/w Mr. Ajinkya Salunkhe i/b. Mr. Ravindra S. Pachundkar for the Respondent.

CORAM : SMT. SADHANA S. JADHAV, J.

DATE : 10th JANUARY 2020.

P.C.:

1 The learned counsel for the applicant is willing and ready to subject herself to mediation. However, the learned counsel for the respondent upon instructions submits that the respondent is not willing to go in for mediation. In fact, this Court would not appreciate the attitude of the respondent in any way however, the parties cannot be forced to go for mediation although a highly qualified woman is ready to go for mediation and is also willing to join her husband in the matrimonial relationship.

2 Reverting to the facts of the case, the applicant and the respondent got married on 1st December 2014 at Islampur. The qualification of the applicant is M.E. (Electronic). He is in service in a private company at Pune. The applicant was residing with her husband at

Rahatni, Pune. It appears that a discordant note had struck between the parties and according to the applicant she was thrown out of her matrimonial house on 19th November 2017. According to the learned counsel for the respondent the applicant wife had withdrawn herself from the society of her husband and it is specifically denied that she was thrown out of the house. The respondent husband had filed Hindu Marriage Petition No.1499 of 2018 in the Court of 15th Jt. Civil Judge, Senior Division, Pune seeking dissolution of the marriage. The learned counsel for the respondent submits that no notice was issued to the applicant wife however, there was discussion between the parties. According to the learned counsel for the respondent, as stated in the Hindu Marriage Petition the wife had expressed her unwillingness to continue with the marriage. She had even threatened of commission of suicide and therefore, he was constrained to file divorce proceeding.

3 In retaliation to divorce proceedings, the applicant herein had filed the proceedings under the provisions of Protection of Women from Domestic Violence Act, on 28th January 2019.

4 It is submitted by the learned counsel for the applicant that the applicant is residing at Kapuskhed near Islampur. That Islampur is 240-250 kilometers away from Pune and therefore, she is not able to travel. The

learned counsel for the applicant submits that the respondent husband is a native of Kolhapur and as on today, also parents of the respondent husband are residing at Kolhapur. It is submitted that she is unable to attend the proceedings at Pune alone.

5 For the purposes of deciding the application under the Protection of Women from Domestic Violence Act witness would be from Pune, similarly, for the purpose of divorce also other independent witnesses would be from Pune since the house where they resided together was at Rahatni, Pune. Applicant is an Engineer. It cannot be believed that in these days she would have any difficulty to attend the proceedings at Pune. Moreover, it would not be necessary for her to attend on each and every day unless the proceedings are posted for recording of evidence in the form of examination-in-chief or cross-examination. That she can also file applications seeking exemption from appearance whenever necessary and the said applications can be decided on its own merits by the learned Court. Applicant is serving in a private company and he would also be facing difficulties to appear before Islampur Court. However, he has no grievance as of today to appear before Islampur Court and it would not be necessary to intervene in the jurisdiction of the said proceedings before the appropriate Court. In view of the above discussion, application deserves to be dismissed. The learned counsel for the respondent upon instructions has

submitted that the respondent husband would bear the expenses for the travelling of the applicant from Islampur to Pune. The said quantum be decided by the Court in accordance with law.

(SMT. SADHANA S. JADHAV, J.)