

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

933 MISC.CIVIL APPLICATION NO.10 OF 2021

NEHA RANJIT PAWAR ALIAS NEHA DILIP PATIL
VERSUS
RANJIT WALMIK PAWAR

.....
Advocate for Applicant : Mr. S.V. Suryawanshi
Advocate for Respondent : Mr. Amol Sawant
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CORAM : V. K. JADHAV, J.
DATED : 20th JANUARY, 2021

PER COURT:-

1. Heard learned counsel for the applicant-wife and the respondent-husband.
2. Learned counsel for the applicant-wife submits that the applicant-wife at present is residing with her parents at Jalgaon. The respondent-husband has filed a petition No. A-107 of 2020 before the Family Court, Dhule for decree of divorce. Learned counsel submits that there is distance of 100 kilometers between Jalgaon and Dhule. The applicant-wife is having three years old son suffering from blood cancer. It is thus difficult for the applicant-wife to travel such a distance alongwith the said ailing son to attend the court dates at Dhule.
3. Learned counsel for the respondent-husband submits that the respondent-husband is ready to bear the travelling expenses of the

applicant-wife.

4. In the following cases, the Hon'ble Supreme Court and various High Courts, including this Court, have reiterated that in the matrimonial proceedings, the convenience of the wife is to be considered:-

- i) Sumita Singh vs. Kumar Sanjay and another, reported in AIR 2002 SC 396;
- ii) Mahadevi Gopal Mehetre vs. Gopal Prabhakar Mehetre, reported in 2015 (5) AIR Bom R 250;
- iii) Mona Aresh Goel vs. Aresh Satya Goel, reported in AIR 2000 SC 3512(1);
- iv) Ravinder Kaur vs. Hitinder Singh, reported in AIR 2000 SC 3403(2);
- v) Renu Gautam vs. Vinod Gautam, reported in AIR 2000 SC 3405 (1);
- vi) Anjali Ashok Sadhwani vs. Ashok Kishichand Sadhwani, reported in AIR 2009 SC 1374;
- vii) Vaishali Shridhar Jagtap vs. Shridhar Vishwanath Jagtap, reported in AIR 2016 SC 3584;
- viii) Reena Mehra vs. Rohit Rai Mehra and another, reported in AIR 2003 SC 1002;

- ix) Rakhi Banerjee vs. Subhankar Mukherjee, reported in AIR 2009 SC 928;
- x) T. Gayatri Devi (Smt) vs. Tallepaneni Sreekanth (Dr.), reported in 2013 (5) All.M.R. 918;
- xi) Anita Balkrishna Barge vs. Balkrishna Sopan Barge, reported in 2010 (6) All M.R. 685;
- xii) Smita Dhananjay Patil vs. Dhananjay Krishnakumar Patil, reported in 2014 (1) AIR Bom R. 450;
- xiii) Kalpana Pankaj Rozatkar vs. Pankaj Supadu Rozatkar, reported in 2013 (5) AIR Bom R 51;
- xiv) Sayali Swapnil Kuber vs. Swapnil Harischandra Kuber, reported in 2014 (1) Mh.L.J. 584;

5. In view of the above, even if the respondent-husband has shown his ready and willingness to bear the travelling expenses, however, it is difficult for the applicant-wife to travel the distance of 100 kilometers to attend the court dates alongwith her three years old son suffering from blood cancer.

6. Thus, in view of the above and in terms of the ratio laid down in the aforesaid cases, I am inclined to allow this misc. civil application. Hence, I proceed to pass the following order:-

O R D E R

- I. Miscellaneous Civil application is allowed in terms of prayer clause "B".
- II. Miscellaneous Civil application is disposed of accordingly.

(V. K. JADHAV, J.)

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