

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO.103 OF 2021

Amita w/o Nilesh Dhaware,
Age : 31 years, Occu. Household,
R/o at H.No.98/B, Akshobhya Villa,
Sr.No.31/14, Datta Colony,
Kirti Classic, Gate, Lakshmi Chouk,
Marungi Road, Hinjewadi, Phase No.1,
Pune, and address of applicant's parents-
Chokhoba Jamdhade, Shilanand Niwas,
Hanuman Mandir Road, Shrinagar,
Tq. and District Nanded

APPLICANT

VERSUS

Nilesh s/o Deelip Dhaware,
Age : 32 years, Occu. Service,
R/o A/P, 228/4, Dakshta Nagar,
Flat No.6/304, Kaspate Vasti,
Vakad, Pune

RESPONDENT

.....
Smt. Maya R. Jamdhade, Advocate for the applicant
Mr. K. Sandesh, Advocate for the respondent
.....

CORAM : MANGESH S. PATIL, J.

DATE : 29.11.2021

PER COURT :

Heard.

2. This is an application under Section 24 of the Code of Civil Procedure by wife for transfer of a divorce proceeding instituted by the respondent-husband and pending in the competent court at Pune, from

Pune to Nanded, which is her parental place.

3. Though the learned Advocate for the applicant submits that she has already filed a proceeding for maintenance under Section 125 of the Code of Criminal Procedure, which is pending at Nanded, there is absolutely no reference to it in the whole body of the application.

4. So far as the aspect of convenience is concerned, though the applicant is now trying to establish that her aged parents are dependent on her and who are staying at Nanded, there is a specific averment in the affidavit-in-reply pointing out that one of her sisters resides in the vicinity of her parental home. There is no rejoinder denying this fact.

5. Again, there is no rejoinder filed to deny the averments in the affidavit-in-reply that her another sister is staying in Pune and there won't be inconvenience to her even if she is made to attend the proceeding by going to Pune.

6. Considering the aforementioned facts coupled with the fact that the applicant is a highly educated woman, who can independently travel on her own, the interest of justice would be met if, instead of transferring the matter, the respondent is directed to pay to her Rs.2500/- for every date she attends the proceeding in the court at Pune.

7. The court at Pune shall see to it that this order is complied with punctually.

8. With the above direction, the application is allowed partly and disposed of.

[MANGESH S. PATIL]
JUDGE

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