

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

951 MISC.CIVIL APPLICATION NO.93 OF 2020

PRIYANKA SANTOSH CHIMULE
VERSUS
SANTOSH SOPAN CHIMULE

.....
Advocate for Applicant : Mr. U.B. Bilolikar
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CORAM : V. K. JADHAV, J.
DATED : 22nd JANUARY, 2021

PER COURT:-

1. Heard finally. None present for the respondent sole though duly served with the notice of final hearing.

2. Learned counsel for the applicant-wife submits that the applicant-wife is residing with her parents at Mukhed, District Nanded. The respondent-husband has filed HMP No. 37 of 2020 before learned Civil Judge, Senior Division, Kelapur (Pandharkavda), district Yavatmal for decree of divorce and the same is pending. The distance between Kelapur (Pandharkavda), district Yavatmal to Mukhed, District Nanded is 350 kilometers. The applicant has 5 years old son. The father of the applicant is retired person. There is nobody in the family to accompany her. Thus, it is difficult for the applicant-wife to travel such a long distance to attend the court dates. The applicant-wife has already initiated the proceedings under the provisions of Protection of Women from Domestic Violence Act, 2005 bearing No. 52 of 2019 and has also filed complaint under Section 498-A of I.P.C. against the respondent-husband. The respondent-

husband has put his appearance in those proceedings.

3. 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;

4. Thus, in view of the above and for the reasons, as discussed in the foregoing paras, 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.)