

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

49 MISC.CIVIL APPLICATION NO.110 OF 2020

KOMAL VIKRAM JADHAV
VERSUS
VIKRAM RAJU JADHAV

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Advocate for Applicant : Mr. A. V. Lavte
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CORAM : V. K. JADHAV, J.
DATED : 18th JANUARY, 2021

PER COURT:-

1. Heard learned counsel for the applicant. None appears for the respondent sole though duly served.
2. Learned counsel for the applicant-wife submits that the applicant-wife is residing with her parents at Majalgaon, Tq. Majalgaon, District Beed. The respondent-husband has filed a petition No. A-07 of 2020 before the Family Court, Buldhana for decree of divorce. Learned counsel submits that the applicant is young woman and it is not possible for her to cross the distance of 180 kilometers to attend the court dates at Buldhana.
3. In the following cases, the Hon'ble Supreme Court and various High Courts, including this Court, have consistently taken a view that in the matrimonial proceedings, the convenience of the wife should 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. In the instant case, I accept that it is difficult for the applicant wife to travel such a long distance of 180 kilometers to attend the court dates in Buldhana.

5. 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 "C".
- II. Miscellaneous Civil application is disposed of accordingly.

(V. K. JADHAV, J.)

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