

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

44 MISC. CIVIL APPLICATION NO. 124 OF 2020

MANISHA SUHAS SAMASE
VERSUS
SUHAS KISAN SAMASE

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Advocate for Applicant : Ms. Sakshi Kale h/f Mr. Ajit B. Kale

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CORAM : V. K. JADHAV, J.
DATED : 22ND FEBRUARY, 2021

PER COURT :-

1. Heard learned counsel for the applicant-wife.
 2. Though the respondent-husband is duly served, none appears for him.
 3. This is about transfer of the matrimonial proceedings from Ahmednagar to Shrirampur.
 4. Learned counsel for the applicant-wife submits that the respondent-husband has filed a Hindu Marriage Petition seeking a decree of divorce and the said petition is pending before the Civil Judge, Senior Division, Ahmednagar. The
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applicant-wife resides with her old aged parents at Shrirampur and she has a small child. The applicant-wife has no independent source of income. It is thus difficult for the applicant-wife to travel along with the small child to attend the court dates. Furthermore, the applicant-wife has initiated proceedings under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights at Shrirampur and in those proceedings, the respondent-husband has put his appearance. Learned counsel submits that both the proceedings can be clubbed before Civil Judge, Senior Division at Shrirampur to avoid conflicting views.

5. In the following cases, it is reiterated by almost all the courts that in matrimonial proceedings, convenience of the wife is required to be seen.

- 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;

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- 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;

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- 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;

6. In the instant case, the applicant-wife is staying with her old aged parents at Shrirampur and she has a small child. It is not possible for her to travel the distance to attend the court dates in a case at Ahmednagar. The respondent-husband has filed Hindu Marriage Petition seeking a decree of divorce and the said petition is pending before the Civil Judge, Senior Division, Ahmednagar. The applicant-wife has no independent source of income. The old aged parents of the applicant-wife are not in a position to accompany her to attend the court dates. Thus, considering the entire aspect of the case, I am inclined to allow this Miscellaneous Civil Application. Hence, I proceed to pass the following order:

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ORDER

I. The Miscellaneous Civil Application is allowed in terms of prayer clause "A".

II. The Miscellaneous Civil Application is accordingly disposed off.

(V. K. JADHAV, J.)

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