

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

MISC. CIVIL APPLICATION NO. 51 OF 2020

Rupali Richard Parghe

...Applicant

Versus

Richard Samsun Parghe

...Respondent

.....

Mr. Vishnu M. Jaware, Advocate for the applicant

Mr. N. B. Narwade, Advocate for respondent no. 1

Respondent no. 2 deleted as per order dtd. 22.06.2021

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CORAM : BHARATI H. DANGRE, J.

DATE : FEBRUARY 04TH, 2022

PER COURT : -

1. Heard the learned Counsel for the applicant and the learned Counsel for the respondent.

2. By the present civil application, the applicant/wife is seeking transfer of the proceedings filed by the respondent/husband in the form of Marriage Petition No. 124/2019 from the District Court Pune to the District Court at Jalna on the ground that the proceedings if required to be attended, would cause inconvenience to her. It is argued by the learned Counsel that the distance between Jalna where the applicant is presently residing and Pune where the

proceedings are instituted by the husband, is approximately 295 kms and with no convenient mode of conveyance being available, it is practically difficult for her to undertake the journey.

3. The learned Counsel for the respondent states that the respondent is residing in Pune and, therefore, he has instituted the proceeding for divorce in Pune court.

4. Applying the principle of *dominus litis*, the respondent-husband is entitled to file a proceeding in the court where it would lie. If the wife is pleading inconvenience, she must bring on record the factor that would cause inconvenience to her and except saying that she is a lady and she cannot undertake the travel, the inconvenience surely must contemplate and encompass something more.

5. In the wake of the allegations seeking dissolution of marriage, I deem it expedient to continue the proceedings in the court at Pune with twofold directions being issued to the learned Judge seized of HMP No. 124/2019; the first being exempting the applicant from her personal appearance on every date of hearing of the proceedings and except when her presence is necessary for the

purposes of examination-in-chief/cross-examination, her presence shall be exempted and secondly, the learned Family Court, Pune shall make endeavour to dispose off Marriage Petition No. 124/2019 within a period of one year from today.

6. As far as the inconvenience projected by the wife is concerned, it is directed that the respondent husband shall bear her travelling expenses on the date on which she is required to attend the proceedings filed by him and if on some count she is required to stay back in Pune and is not able to travel back, he shall also bear the expenses of the lodging and boarding. The necessary expenses shall be deposited by the respondent-husband upon the actual bills of expenses being tendered in the court, on the next date of hearing.

7. With the aforesaid directions, the Misc. Civil Application is disposed off.

[BHARATI H. DANGRE]
JUDGE