

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

MISC. CIVIL APPLICATION NO. 147 OF 2019

Mrs. Priyanka w/o Bhaskar Bade

...Applicant

Versus

Bhaskar s/o Bhalchandra Bade

...Respondent

.....
Mr. S. P. Pandav, Advocate for the applicant

Mr. T. M. Venjane, Advocate for respondent

.....

CORAM : BHARATI H. DANGRE, J.

DATE : JANUARY 6TH, 2022

PER COURT : -

1. The application is filed by the wife, who seek transfer of HMP No.50/2016 filed by the respondent-husband in the court of Civil Judge Senior Division, Latur to the Family Court at Nashik. The ground for invoking the jurisdiction of this Court seeking transfer is the inconvenience in undertaking the travel from Nashik to Latur and it is submitted that the applicant has to take care of her two children, who are aged 14 and 8 years, respectively. Further, the financial constraints in undertaking the travel from Nashik to Latur, which is estimated to be approximately 400 kms one way is also projected as one of the grounds in seeking transfer.

2. Opposing the application, an affidavit-in-reply has been filed by the respondent-husband, where at the outset, he has made a statement that he is presently posted at Pune. On perusal of the the detailed affidavit, it can be discerned that the respondent-husband is fighting cancer and is required to undergo Chemotherapy. The Counsel for the respondent state that it is on account of the availability of better medical facilities at Pune, he is posted in Pune. The medical condition of the respondent-husband is set out in the affidavit and reference is made to various surgeries required to be performed.

. The terminal illness of the respondent is a ground which ought to be taken into consideration while considering the request made by the wife to seek transfer of the proceedings at Nashik. The children, who are projected to be a matter of concern in undertaking the travel, are grown up enough being 14 and 8 years and this should not pose any difficulty to the applicant to attend the proceedings in the Court at Latur. The learned Counsel for the respondent also state that he is paying maintenance amount to the tune of Rs. 55,000/- to his wife and his two children per month and the amount is regularly paid.

3. Though the distance between the Latur and Nashik may pose some difficulty in undertaking the travel, I am inclined to issue directions to the learned Civil Judge Senior Division at Latur to minimize the inconvenience by directing attendance of the applicant-wife in the proceedings filed by the husband to the bare minimum and except the dates of examination-in-chief or cross-examination her presence shall be exempted. On the dates when her presence is very much necessary, the learned Judge shall ensure that if she attend the proceedings, in any case the proceedings shall be carried out so that her trip do not go waste.

. Since the proceedings filed are of the year 2016, the learned Civil Judge Senior Division, Latur is also requested to conclude the proceedings in HMP No. 50/2016 within a period of six months from today. Needless to state that both the parties shall render their cooperation to the learned Judge in disposing of the proceedings in the time bound manner as well.

4. With the aforesaid directions, the Misc. Civil Application is disposed of.

[BHARATI H. DANGRE]
JUDGE