

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.228 OF 2021

SONAL SUHAS VISPUTE
VERSUS
SUHAS JAYWANT VISPUTE

Mr.B.S.Shinde, Advocate for the applicant.

Mr.S.S.Gangakhedkar, Advocate for the respondent.

(CORAM : BHARATI H. DANGRE, J.)

DATE : FEBRUARY 24, 2022

PER COURT :

1. Heard the learned Advocate for the applicant and the learned Advocate for the respondent.
2. The matrimonial discord led to filing of several proceedings and at some point of time, the proceedings filed by the wife seeking restitution of conjugal rights achieved its result and by way of an amicable settlement, she came to stay with the respondent/husband alongwith the child in Parbhani. However, the relationship could not blossom further and she left the matrimonial house on the pretext that there was threat to her life.

3. The respondent/husband had filed a petition seeking dissolution of marriage in the Court of Civil Judge, J.D.Parbhani on 10/06/2019 and that is pending for adjudication. The applicant / wife has filed application seeking maintenance and the domestic violence case before the learned Judicial Magistrial First Class, Nandgaon in the year 2017 and even these proceedings are pending.

4. The applicant/wife contend that to attend the proceedings filed by the husband at Parbhani, she will have to undertake the journey of approximate 300 kms one way and the son who is aged 5 years will have to accompany her, which would cause extreme inconvenience. Per contra, the learned Advocate for the respondent submit that till the month of July 2021, the wife was residing in Parbhani and a receipt of admitting the child to the school in Parbhani is placed on record with the affidavit. Being confronted, the learned Advocate for the applicant states that, she continue to reside in Parbhani for some period of time, but in the month of September 2021, she has shifted to Nandgaon and is presently residing there with her brother.

The applicant/wife has instituted proceedings u/s 498-A at Parbhani and these proceedings are being prosecuted in Parbhani.

6. On consideration of the claim of the wife to transfer the proceedings from Parbhani to Nandgaon, it can be seen that the proceedings are filed in the month of June 2019 and are now on the verge of its completion, since it is informed that the husband has filed his evidence affidavit and it is pending for the cross examination. Since the proceedings are at advanced stage, it would be appropriate to continue the same in the Court of Civil Judge, S.D. Parbhani with a direction being issued to the learned Judge to conclude the proceedings within a period of 6 (six) months from today.

The learned Trial Court shall ensure that the presence of wife is not sought on every date of hearing except whenever necessary for the purpose of her examination and cross-examination.

Even on these dates, when she has to travel to Parbhani to undertake the proceedings, the learned Advocate for the respondent/husband, on his own notion, makes a statement that he shall arrange for her expenses, which are quantified at the sum of Rs.6,000/- on every date of travel, which can permit her to travel comfortably and if necessary can also cater to the lodging and boarding, since she has to undertake the journey of more than 300 kms one way.

7. With the abovesaid commitment at the instance of the respondent/ husband and the direction being issued to the learned Court of Civil Judge, S.D. Parbhani to decide HMP No.148/2019, to be disposed of within a period of 6 months, the Misc.Civil application is rejected.

(BHARATI H. DANGRE, J.)