

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

MISC. CIVIL APPLICATION NO. 282 OF 2021

Sayali Devidas Sonawane .. Applicant

Versus

Devidas Prakash Sonawane .. Respondent

Mr. Rajendra Sudam Kasar, Advocate for the Applicant.

Mr. Adinath B. Jagtap, Advocate for Sole Respondent.

CORAM : S. V. GANGAPURWALA, J.

DATED : 12th JANUARY, 2022.

PER COURT:-

1. Mr. Kasar, learned counsel for the applicant submits that the respondent has filed proceedings for dissolution of marriage against the applicant before the Civil Judge Senior Division, Baramati. The applicant has filed proceedings for maintenance under Section 125 of Cr. P. C. before the Judicial Magistrate First Class, at Parner, Dist. Ahmednagar. The proceedings filed by the respondent is required to be transferred to Ahmednagar. The applicant has no independent source of income. It is difficult for the applicant to travel all the way to Baramati. It would be too inconvenient for the applicant.

2. The learned counsel for the respondent submits that the proceedings are filed at Civil Judge Senior Division, Baramati. The

parties lastly resided at Baramati. The marriage is solemnized at Supa, Taluka Parner, Dist. Ahmednagar.

3. It would appear that the proceedings filed by the respondent for dissolution of marriage would be maintainable at Baramati and at Parner. However, it has been apprised that there is no Court of Civil Judge Senior Division or Family Court at Parner. There are no proceedings pending at Ahmednagar Court. In view of that, the request of the applicant to transfer the Court proceedings to Ahmednagar would not be justified. The Court at Ahmednagar would not have inherent jurisdiction to try the matter as no part of cause of action arose within the territorial jurisdiction at Ahmednagar Court.

4. It is submitted that the applicant does not have an independent source of income. Certainly, the applicant would require some amount for contesting the litigation. The applicant would have to travel from Supa, Taluka Parner to Baramati and also engage the lawyer. Some expenses would have to be made for engaging the lawyer and attending the case on every date.

5. Considering the above, only for the purpose of litigation expenses, the respondent herein shall pay an amount of Rs. 15,000/- (Rs. Fifteen Thousand only) to the applicant in lumpsum, for contesting

the litigation.

6. It is made clear that, this Court has not considered the merits with regard to the grant of maintenance or otherwise, nor has opined on the merits of the matter. An amount of Rs. 15,000/- (Rs. Fifteen Thousand only) shall be paid expeditiously and preferably within a period of six (06) weeks from today.

7. The Applicant shall also diligently attend the matter. The parties shall co-operate in expeditious disposal of the proceedings. The Court at Baramati where the proceedings filed by the respondent are pending shall decide the same expeditiously and preferably within a period of six (06) months from today.

8. Misc. civil application is disposed of.

(S. V. GANGAPURWALA)
JUDGE

PS.B.