

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

MISC. CIVIL APPLICATION NO.249 OF 2019

SUPRIYA RAHUL PATIL
VERSUS
RAHUL DHANAJI PATIL

...
Advocate for the Applicant : Shri Anand Deshpande h/f Shri Datta A.
Madake
...

CORAM: SMT. BHARATI H. DANGRE, J.

DATE :- 31st January, 2022

Per Court:

1. Heard the learned counsel for the applicant, who seeks transfer of the proceedings in the form of HMP No.176/2019 filed by the respondent/ husband in the Court of the Civil Judge, Senior Division, Barshi, to the Family Court at Osmanabad, on the ground that she is staying at Moha, Taluka Kallam, District Osmanabad and it is difficult for her to travel to Barshi.
2. The respondent, though served, has failed to appear. Though the stay is granted by this Court on 20.11.2019, he has not put an appearance in order to request to vacate the stay.
3. The applicant states that she has also instituted the proceedings in the Court of the learned Judicial Magistrate, First Class,

Kallam, under Section 125 of the Code of Criminal Procedure. The respondent/ husband has sought nullity of marriage by filing the proceedings under Section 12(2) of the Hindu Marriage Act before the Court at Barshi and the said proceedings are stayed in the wake of the interim order passed by this Court.

4. On hearing the learned advocate for the applicant, except that she is a lady, no other ground has been put forth seeking transfer of the proceedings to the Court of her convenience i.e. the Family Court at Osmanabad. In any case, the applicant is staying at Moha and the distance between Moha and Osmanabad is approximately 40 kilometers and she will have to undertake the journey.

5. Since the husband has instituted the proceedings and he is residing at Barshi and as per the title clause, he is in service at Barshi, by applying the principle of *dominus litis*, instead of transferring the proceedings to the Family Court at Osmanabad, let the proceedings filed by the husband continue at the Court at Barshi, with a clear direction being issued to the learned Judge at Barshi not to seek attendance of the applicant on every date of hearing and exempt her from personal appearance on such dates and except when her presence is necessary for examination or cross-examination, she shall not be summoned to attend the court proceedings. On those dates on which the applicant is required to undertake the journey to Barshi for attending the proceedings, the

respondent/ husband shall bear her expenses which are fixed at Rs.1500/- per hearing and the said expenses shall be deposited by the respondent/ husband in advance in the Court at Barshi.

Since the proceedings in the form of HMP No.176/2019 are pending, the learned Civil Judge, Senior Division, Barshi, is directed to expedite the said proceedings and conclude it within eight months from today.

With the aforesaid direction and finding no merit in the Misc. Civil Application, the same is dismissed.

kps

(SMT. BHARATI H. DANGRE, J.)