



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAO) NO.1175/2025
IN
MISC. CIVIL APPLICATION (TR.) NO.389/2024

Neha w/o Vaibhav Mundada

Vs.

Vaibhav Gopaldas Mundada

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri K.J. Topale, Advocate for applicant
Shri A.R. Patil, Advocate for non-applicant

CORAM : PRAVIN S. PATIL, J.

DATED : 27.11.2025

1. By this application, the applicant-wife is seeking modification/relaxation to the directions issued by this Court vide order dated 29.11.2024 in MCA No.389/2024 to conduct the trial of Marriage Petition No.617/2024, pending before the learned Civil Judge Senior Division, Wardha, at reasonable intervals as may be convenient to both the parties and the Court, but, preferably not more than once in a month and further extend the time granted for completion of the trial pending before the learned Civil Judge Senior Division, Wardha.

2. The perusal of the order passed by this Court demonstrates that at the instance of present applicant, the proceedings were transferred from learned Civil Judge Senior Division, Washim to Civil Judge Senior Division,

Wardha. According to her, Wardha is a convenient place, where she can attend the proceedings. Hence, looking to her convenience and her prayer made in the application, the application was disposed of.

3. By this application, the grievance raised by the applicant is that she is now permanent employee with Tata Consultancy Services Limited, Pune, and required to physically attend the office at a daily basis at Pune. Therefore, she is now unable to attend the proceedings twice a week before the Civil Judge Senior Division, Wardha. According to her, considering the fact that she is a working lady, the learned Civil Judge Senior Division, Wardha should be generous to grant her dates of weekends and further avoid to keep the matter twice in a week.

4. Learned Counsel for respondent has strongly opposed this application. According to him, he has already pointed out to this Court that she being an employee working at Pune, it will not be proper to transfer the proceedings from Washim to Wardha. But, due to the insistence of the applicant, the proceedings were transferred from Washim to Wardha.

5. It is the applicant, who has prayed for expeditious disposal of the pending application. Now, when the Court is willing to decide the proceedings expeditiously, the applicant is not co-operating in the matter. Therefore, considering the fact that the applicant is changing her stand

every time, no indulgence of this matter is required in the matter.

6. Learned Counsel for husband states that he has completed his evidence and now only for the evidence of the forensic expert, the matter is adjourned. He stated that after the leading of evidence of forensic expert, he is not going to record the evidence of any other witness. After that, applicant-wife has to examine herself and her witness. Therefore, it is clear that the side of non-applicant husband is likely to be closed and it is for the applicant to examine her witness before the learned Civil Judge Senior Division, Wardha.

7. In the facts and circumstances of the matter and perusal of the application made by the applicant-wife, it is seen that she has made a reasonable prayer that instead of keeping the matter twice a week, same should be kept once in a fortnight, so that she can attend the proceedings at Wardha.

8. In the background of above said factual position, I have gone through the case history of Marriage Petition No.617/2024 pending before learned Civil Judge Senior Division, Wardha. It is clear that matter is kept at an interval of 4 to 5 days. Hence, it is but natural that applicant who is doing job at Pune find difficult to attend the proceedings at Wardha.

9. The perusal of the order passed by this Court dated

29.11.2024, nowhere directed the learned Civil Judge Senior Division, Wardha, to conduct the proceedings on day-to-day basis. The direction was to decide the petition expeditiously. It does not mean that proceedings should be disposed of in a hasty manner. The Court should decide the matter by giving proper opportunities to the parties and then decide the matter.

10. The grievance raised by the applicant that due to keeping the matter twice in a week causes immense hardship to her as she is working woman at Pune. The distance between Pune to Wardha is near about 600 to 700 kms., and it is always impossible to travel such a distance twice a week that too by taking leave from the office.

11. In my view, considering the peculiar facts and circumstances of the matter and ultimately to meet the ends of justice, the modification to the order of this Court is necessary. Hence, I proceed to pass the following order:

ORDER

i) Learned Civil Judge Senior Division, Wardha is hereby directed to grant the dates at regular interval without fixing the dates on day-to-day basis.

ii) On certain occasions with consent of parties, matter can be fixed on day-to-day basis when the Court is functioning on working Saturday by fixing the dates on Friday and Saturday.

iii) Applicant is directed to co-operate to decide the pending suit and do not take undue advantage of concession granted in her favour in fixing the dates.

iv) Time to decide the Marriage Petition No.617/2024 is hereby further extended for six months. In case applicant found to be responsible to delay the proceedings, this Court made it clear that no further extension will be granted at the instance of applicant in the matter.

(PRAVIN S. PATIL J.)

R.S. Sahare