

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO. 12 OF 2019

SUVARNA SANJAY TUPE
VERSUS
SANJAY KRUSHNAJI TUPE

...
Advocate for the Applicant : Shri K. A. Ingle
Advocate for the Respondent – sole : Shri A. V. Hon

...

CORAM : RAVINDRA V. GHUGE, J.

DATED : 31st AUGUST, 2019.

...

PER COURT :

1. On 16/01/2019, I had passed the following order :-

"1. *The applicant wife prays that the Marriage Petition No. 1207/2016 filed before the Civil Judge Senior Division, Kalyan, be transferred to the Court of the learned Civil Judge Senior Division, Aurangabad.*

2. *The applicant submits that she was harassed and treated cruelly by the respondent. She was finally driven out of her home. She has started residing at her parental house. She has to undertake two nights' journey. Her parents are old aged. They are unable to accompany the applicant to*

travel with her for attending the Court proceeding at Kalyan.

3. *Reliance is placed upon the following judgments:*

- (i) *Vennangot Anuradha Samir Vs. Vennangot Mohandas Samir 2016 (1) Bom.C.R.250,*
- (ii) *Soma Choudhuri Vs. Gourab Choudhuri (2004) 13 SCC 462,*
- (iii) *Anjali Ashok Sadhwani Vs. Ashok Kishinchand Sadhwani, AIR 2009 SC 1374,*
- (iv) *Vaishali Shridhar Jagtap vs. Shridhar Vishwanath Jagtap 2016 AIR (SC) 3584,*
- (v) *Sayali Swapnil Kuber Vs. Swapnil Harischandra Kuber [2014(1) Mh.L.J. 584],*
- (vi) *Nilima Vs. Pavansingh LEX (BOM)2011 9 193 and*
- (vii) *Shila Nitin Rajure Vs. Nitin Marotiappa Rajure MCA No.184 of 2017 (Aurangabad Bench), dated 9.1.2018,*
- (viii) *Mona Aresh Goel Vs. Aresh Satya Goel, 2000 (39) AIR 377.*

4. *Issue notice to the respondent, returnable on 22/02/2019. Until then, the Trial Court would adjourn Marriage Petition No. 1207/2016.*

5. *The applicant has supplied the spare copy for issuance of notice to the respondent and the same is taken on record.*

6. *Office objections to be removed on or before 31/01/2019, failing which this application would stand dismissed without reference to the Court on 01/02/2019."*

2. The learned Advocate for the respondent has initially opposed this petition. In the alternative, it is submitted that if the proceedings are transferred to Aurangabad, they should be expedited as the petition has been filed in 2016.

3. The learned Advocate for the applicant submits that she resides at Paithan and can travel from Paithan to Aurangabad. The girl child born from the said marriage is about 9 years of age and is studying in the III Standard in a reputed School at Paithan.

4. Considering the above, this application is allowed in

terms of prayer Clause 'A'. Marriage Petition No. 1207/2016 shall stand transferred from Kalyan to the Court of the learned Civil Judge Senior Division, Aurangabad.

5. By the consent of the parties, both of them shall appear before the concerned Court at Aurangabad on 27/09/2019. Formal notices need not be issued. As it is informed that the proceedings are at the stage of framing of issues, the Trial Court would endeavour to frame the issues on or before 22/10/2019 and shall endeavour to decide the said proceedings as expeditiously as possible and preferably on or before 30/06/2020.

(RAVINDRA V. GHUGE, J.)

shp/-