

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

MISC.CIVIL APPLICATION NO. 244 OF 2017

SHITAL KRUSHNA DHAKE
VERSUS
KRUSHNA DAGDU DHAKE

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Advocate for the Applicant : Shri Kulkarni Suvidh S..
Advocate for the Respondent : Shri Narwade Narayan B..

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 06th October, 2018

Per Court:

1 After this matter was heard for the first time on 20.12.2017, I
had passed the following order :-

- "1. The petitioner/wife has moved this application u/s 24 of the CPC praying for transferring HMP No.12/2014 and Civil M.A. No.32/2017 pending before the learned C.J.S.D. Newasa and the learned Additional District Judge, Newasa respectively, to the corresponding Courts at Jalna. She resides in her parental home.
2. It is contended that the distance between Jalna and Newasa is about 125 kms. The applicant has been deserted by the respondent and requires the assistance of an adult member of the family to travel with her to Newasa. It is stated that Cri.Appeal No.20/2016 and RCC No.477/2014 are pending at Jalna and the respondent/husband has to travel to Jalna for the said proceedings.
3. Issue notice to the respondent, returnable on 02/02/2018. Until then, the proceedings in HMP

No.12/2014 and Civil M.A.No.32/2017 shall be adjourned.

4. *Copy of the petition paper book shall be supplied for issuance of notice on or before 05/01/2018, failing which, this petition shall stand dismissed without reference to the Court w.e.f. 06/01/2018."*

2 The matter was, thereafter, adjourned on a few occasions. On 20.08.2018, the learned Advocates jointly submitted that the matter is being resolved by a compromise. Though I have not recorded their proposed terms, there is no dispute that the Respondent/ Husband had waived the amount of Rs.75,000/-, which was earlier paid to the Applicant/ wife and which she had already received. In addition, the Respondent/ husband is willing to pay an amount of Rs.10.50 lac as a One Time Comprehensive Settlement and part ways with the Applicant/ wife before it became more painful. With these proposed terms, the matter was adjourned.

3 On 06.09.2018 and 09.09.2018, the learned Advocate for the Applicant/ wife, on instructions, submitted that besides this amount of Rs.10.50 lac, she wants those utensils inclusive of "Rukhwat" and the Bed, which were given by her as a gift to the husband in the marriage.

4 The learned Advocate for the Respondent/ husband submitted that the bed and other furniture items given in the marriage, are already damaged and cannot be used.

5 Even today, the learned Advocate for the Wife says that she has some sentiments towards those utensils and Rukhwat items and unless those items are not returned, this matter will not be settled.

6 In view of the above, this application is kept pending in this Court. The learned Civil Judge Senior Division, Newasa shall continue with HMP No.12/2014 and CMA No.32/2017 on it's own merits and the litigating sides are at liberty to participate. The request for transferring the proceedings to the Court at Jalna, for the present is refused.

7 The litigating sides are at liberty to refer the matter to mediation at the district level at Newasa or Ahmednagar.

8 At this juncture, the learned Advocate for the husband submits that though it was beyond his means, he has somehow accumulated Rs.10.50 lac so as to resolve this entire issue once and for all and part ways. If the wife wants to agitate on the utensils and Rukhwat, the husband is withdrawing his offer of depositing Rs.10.50 lac in this Court.

9 I see reason in the submissions of the learned Advocate for the husband and therefore, the offer that the Respondent/ Husband had made earlier, is permitted to be withdrawn and the amount of Rs.10.50 lac need not be deposited in this Court.

kps

(RAVINDRA V. GHUGE, J.)