

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

MISC. CIVIL APPLICATION NO. 89 OF 2014

Sou. Sanjyoti Mahesh Naik	... Applicant.
V/s.	
Mahesh Arun Naik	... Respondent.

Mr. Sachin Pawar for the applicant.
Mr. A. V. Chatuphale for the respondent.

**CORAM : K. K. TATED, J.
DATED : 21/08/2015.**

PC.:

. Heard learned Counsel for the parties.

2 This matter was referred to the Mediator as per order dated 27.11.2014 to explore the possibility of settlement.

3 Both the Counsel submit that the mediation is failed. Hence, matter is taken on board for final hearing as per earlier order passed by this Court on 30.04.2014.

4 This application is preferred by the wife under Section 24 of the C.P.C. for transfer of divorce Petition bearing P.A. No. 1273 of 2013 filed by the Respondent husband in the Family Court at Pune under Section 13(1)(ia) of Hindu Marriage Act for divorce.

5 The learned Counsel for the applicant submits that the applicant wife is working in Mumbai in Mantralaya. He submits that the

applicant is staying in Thane with her parents. He submits that the applicant was required to take care of her three year old son. She is at mercy of her parents. He submits that it is difficult and almost impossible for her, mainly her father to accompany her to attend the Court in Pune. He submits that the father of the applicant is not financially strong to take care of the expenses of the litigation and the traveling expenses. He submits that for traveling to Pune, the applicant has to take leave from her job. Therefore, it is difficult for her to attend the Court on each and every date in Pune.

6 The learned Counsel for the applicant submits that the respondent husband is working as a recovery agent and his monthly income is about Rs.20,000/- to Rs.30,000/-. He submits that if the matter is transferred in Thane Court, the respondent husband can travel alone from Pune to Thane. He submits that considering this fact, this Hon'ble Court be pleased to transfer P.A. No. 1273 of 2013 filed by the respondent husband in the Family Court at Pune to Thane Court for hearing and final disposal on its own merits.

7 On the other hand, the learned Counsel for the respondent husband vehemently opposed the present applicant. He submits that the distance between Pune and Thane is not more than 160 kms. He submits that the excellent transport facilities are available from Thane to Pune. He submits that one can travel from Thane to Pune within 2 and ½ hours by road. He submits that the train facilities are also available from Thane to Pune. He further submits that the Respondent's all witnesses are from Pune only. If the matter is

transferred from Pune to Thane, it will be very difficult for Respondent husband to bring all the witnesses from Pune to Thane. He further submits that the respondent has no objection if the hearing of Petition filed by him before the Family Court at Pune is expedited. On the basis of these submissions, the learned Counsel for the Respondent opposed the present application.

8 I heard both the sides at length. It is to be noted that the Respondent husband filed divorce Petition under Section 13(1)(ia) of Hindu Marriage Act in the year 2013. Since then, it is pending for hearing and final disposal. The applicant is residing at Thane. The distance between Thane and Pune is not more than 160 kms. by road as well as by train, the excellent transport facilities are available. The person can return in a day from Pune.

9 Considering these facts and as all the witnesses of the respondent husband are from Pune, I am of the opinion that in the interest of justice, it is not possible to transfer the matter from Pune Court to Thane Court. But at the same time, the respondent husband has to pay the expenses for traveling of the wife alongwith one attendant on each date of hearing.

10 Hence, the following order is passed:

ORDER

- a) Misc. Civil Application No. 89 of 2014 stands rejected.
- b) Hearing of P. A. No. 1273 of 2013 pending before the

Family Court at Pune is expedited.

c) This Court expects from the Family Court to dispose of the P.A. no. 1273 of 2013 as early as possible, but in any case, within one year from the receipt of the order of this Court.

d) The Respondent Mahesh Naik to pay in advance Rs.2,000/- for per date to the applicant wife for attending the matter at Pune.

e) No order as to costs.

(K.K.TATED, J.)