

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

MISC. CIVIL APPLICATION NO.258 OF 2014

Mrs. Shaila Raju Rayal
@ Shaila Mahadev Waghmare
Age 35 years, occ. Household
R/at: C/o Mahadev Sadashiv Waghmare
Shreenagar, Varalipada, Near Hanuman
Temple, Wagale Estate, Thane-400 604 .. Applicant.

V/s

Mr. Raju Sopan Payal
Age 42 years, occ. Service.
R/at Sant Dyaneshwar Nagar,
36/11, Earndvane, Near Karnatak
School, Pune-411 038.

Also having address at : Shree Yesh
Hospital 759/53, Deccan Gymkhana
In front of the Chitale Bandhu
Mithaiwale, Pune-411 004. .. Respondent.

Mr. Yogesh Dalvi, advocate for applicant.

Coram : Smt. R.P. SondurBaldota, J.
Date : 03rd March, 2015

P.C.

1. This is an application filed under Section 24 of the Code of Civil Procedure for transfer of Marriage Petition No.555 of 2014,

pending in the Family Court at Pune to the Family Court at Thane. Applicant is the wife of the respondent. The ground on which the applicant seeks transfer is threefold. The first is the financial constraint, as she has no independent source of income. The second is personal inconvenience to travel the distance between Thane & Pune. And the third is that she has to take care of two minor children.

2. Children of the applicant are aged 14 and 12 years and need hardly any continuous attendance from the applicant. Therefore, that cannot be a ground for transfer of the proceedings. As regards the distance between Thane and Pune, the same is not much. Beside, there is every kind of mode of conveyance available for travelling between the two places. The financial constraints can also not be a ground, since the applicant can always apply to the Court for directions to the respondent to pay the travelling expenses. Thus, there is no case made out by the application for transfer of the proceedings, which are otherwise pending in the Competent Court of Law. Hence, the application is dismissed.

(Smt. R.P. SondurBaldota, J.)