

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

MISC. CIVIL APPLIATION NO.707 OF 2015

IN

MISC. CIVIL APPLICATION NO.402 OF 2015

Smt. Sheetal Akash Shiraskar

..vs..

Akash Arvind Shiraskar

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

Court's or Judge's order

Shri Rahul Tajne, counsel for the applicant.

CORAM : A.P. BHANGALE, J.

DATE : JULY 14, 2015.

Heard.

By this misc. civil application, the applicant/wife seeks review of order of this Court dated 10.6.2015. After hearing the parties, it is found that the order is self explanatory.

Learned counsel for the applicant/wife submits that the convenience of the wife must be looked at while passing order below transfer application under Section 24 of the Civil Procedure Code. He has placed the reliance in the

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case of Sumita Singh ..vs.. Kumar Sanjay, reported at AIR 2002 SC 396. The Apex Court while considering the transfer petition and the suit filed by the husband against the wife opined that the wife's convenience must be looked at. Since the proceedings filed by the husband against the wife were pending in Ara, Bhojpur, Bihar, the same were sought to be transferred to Delhi, a distance of about 1100 kilometers from Delhi.

The facts in the case cited (*supra*) were different and the said ruling is thus not attracted here as in the present case it is considering that earlier proceedings filed by the applicant/wife for grant of maintenance have already been disposed of it was open for the applicant/wife to claim travelling expenses from her husband to attend the proceedings at Nagpur from Amravati. Since the distance between Nagpur and Amravati is just

150 kilometers or less and since it is connected by National Highway and trains, one can reach at Nagpur within two and half hours from Amravati.

Learned counsel for the applicant/wife has placed reliance in the case of Anita Balkrishna Barge ..vs.. Balkrishna Sopan Barge, reported at 2011(3) Bom. CR. 866. The learned Single Judge of this Court was pleased to allow the application for transfer of the proceedings on the ground that the applicant/wife was unable to maintain herself as she had no source of income and since she is a lady, one of her family member had to accompany her from Ahmednagar to Nashik. The applicant/wife had to spend more than Rs.1,000/- for travelling. The learned Single Judge of this Court, taking into consideration these facts, found that the applicant/wife being a lady, it would be very inconvenient for her to

travel from Ahmednagar to Nashik and hence allowed the application for transfer of the matrimonial proceedings.

Having heard the submissions of learned counsel for the applicant/wife, I find that it is left open for the applicant/wife to claim traveling expenses from the non-applicant/husband to attend the proceedings at Nagpur from Amravati. If the respondent/husband fails to pay the travelling expenses, the applicant/wife shall be at liberty to take appropriate steps as are permissible in law.

In view of above, since no sufficient or compelling ground has been made out to review the order dated 10.7.2015, the misc. civil application is dismissed. There shall be no order as to costs.

JUDGE

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