

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****MISC. CIVIL APPLICATION NO.169 OF 2015****Priyanka Rohan Gaikwad****..... Applicant****VERSUS****Rohan Ashok Gaikwad****..... Respondent**

Mr.Ameya Tamhane for the Applicant.

Mr.Ankush B.Hotkar for the Respondent.

CORAM : R.D. DHANUKA, J.**DATE : 24th AUGUST, 2016****P.C.**

By this application filed under section 24 of the Code of Civil Procedure, 1908, the applicant has applied for transfer of Petition No.A-1899 of 2014 from the Family Court, Bandra to the Family Court, Pune.

2. Learned counsel appearing for the applicant invited my attention to the averments made in paragraphs 6 and 7 of the application and submits that since the applicant is not familiar with any advocate from Mumbai, she will have to engage an advocate from Pune to attend her matter in the Family Court Bandra, Mumbai and will have to incur additional expenses on his traveling, food and accommodation who will have to travel from Pune to attend her matter in Family Court, Bandra, Mumbai.

3. Learned counsel appearing for the respondent opposes this application on the ground that the applicant is educated and has done MBA. He submits that since the applicant has already engaged an advocate practicing in this court, she

cannot seek transfer of the proceedings from Family Court, Bandra to Family Court, Pune on the ground that she will have to engage advocate from Pune. He submits that his client is ready and willing to pay the reasonable amount towards her transportation from Pune to Mumbai and other expenses as may be fixed by this court to enable her to attend the proceedings before the Family Court, Bandra, Mumbai.

4. Insofar as first submission of the learned counsel for the applicant that if the matter is not transferred from Mumbai to Pune, she will have to engage an advocate from Pune to attend her matter in the Family Court Bandra, Mumbai is concerned, it is not in dispute that the applicant has engaged an advocate practicing in this court to appear for her in this matter. I am not inclined to accept this submission of the learned counsel for the applicant that the applicant will have to engage an advocate from Pune to attend her matter before the Family Court Bandra, Mumbai. Merely because the applicant is not allegedly accustomed to the way of living at Mumbai, that cannot be a ground for transfer of the proceedings filed before the Family Court, Bandra, Mumbai to the Family Court, Pune.

5. Insofar as second submission of the learned counsel for the applicant that she will have to incur additional expenses on traveling, food and accommodation is concerned, I am inclined to accept the submission made by the learned counsel for the respondent. The applicant being educated can attend the proceedings herself or through her advocate at Family Court, Bandra, Mumbai. The respondent is directed to pay Rs.2,000/- to the applicant for attending the court proceedings on each of the date before the Family Court, Bandra, Mumbai without fail.

6. It is made clear that if the respondent commits any default for making payment of the amount as directed aforesaid to the applicant, the applicant would be at liberty to apply for transfer of the proceedings from Family Court, Bandra to the Family Court, Pune.

7. Both the parties are directed to appear before the Family Court, Bandra, Mumbai on the next adjourned date without fail.

8. Miscellaneous civil application is disposed of in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]