

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

MISC. CIVIL APPLICATION NO. 126 of 2017

Rashmi W/o Kapil Siddha
@ Rashmi D/o Umakant Shukla,
age 24 years occupation nil
R/o C/o Prasad Umakant Shukla
N.K. Colony, Khandeshwari road, Beed.

...PETITIONER

VERSUS

Kapil S/o Laxmanrao Siddha,
age 31 years occupation business
R/o Renuka Xerox, Karegaon road,
near Shivaji Law College, Mangal Murti Nagar, Parbhani.

...NON-APPLICANT

Mr. Girish K. Thigle (Naik), Advocate for petitioner

Mr Shaikh Wajed Ahmed, Advocate for respondent sole.

CORAM : NITIN W. SAMBRE, J.

DATE :22nd September, 2017

ORAL ORDER :

The applicant is custodian of a minor child, which fact is not in dispute. The distance between the two places is about 180 Kms. one way.

2. Though a claim for transfer is opposed on the ground that travel is not suitable to the health of non-applicant, however, it is required to be noted that the issue of hardships is more in favour of the applicant.

3. Even on putting option, non-applicant is unable to bear expenses of conveyance and out of pocket expenses, to be incurred by the applicant.

4. In view thereof, in my opinion, application needs to be allowed. As such, application is allowed in terms of Prayer Clause "A".

(NITIN W. SAMBRE, J.)

pjm.