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

MISC. CIVIL APPLICATION NO. 254 OF 2016

Sau. Madhuri Vishal Panchal,
age 24 years occupation housewife
R/o C/o Madhukar Sutar, "Malti Arts",
behind Vitthal Mandir, Dhayari Phata,
Pune, District Pune

..APPLICANT

VERSUS

Vishal s/o Devanand Panchal,
age 26 years occupation business & Agri.
R/o Shastri Nagar, Purna
Tal. Purna District Parbhani,
at present Malegaon road, Taroda (Kd.),
Nanded Tal. & Dist. Nanded.

...RESPONDENT

Mr M. P. Tripathi, Advocate, for applicant.
Mr G. G. Kadam, holding for Shri V.D. Panchal,
Adv. for respondent.

CORAM : N.W. SAMBRE, J.

DATE : 22nd June, 2017

ORAL ORDER

By the present application, H.M.P. No. 6 of 2016 filed by the
respondent/husband is sought to be transferred to the Family Court,

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Pune.

2. Parties herein are married on February 23rd, 2015 at Pune.

3. In view of matrimonial discord, the respondent/husband has initiated proceeding in the Court of Civil Judge (S.D.), Nanded, under section 9 of the Hindu Marriage Act, for restitution of conjugal rights.

4. The learned Counsel for the respondent/husband offers Rs. 2000/- towards travelling and other expenses, however, the said proposal is refused by the applicant on the ground that the proposal is unreasonable, since with an companion she will be required to travel from Pune to Nanded and will be required to stay at Nanded. As such, said proposal is rejected by the applicant.

5. Adv. Shri Kadam would urge that it is more difficult for the respondent to travel to Pune because of adverse health condition of his father, who has trouble of kidney stone.

6. The papers, which are placed on record show that both kidneys of father of respondent appear to be normal, however, his prostate is shown to be enlarged, for which there is appropriate

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remedial treatment available. As such, it cannot be considered to be a hardship to the non-applicant.

7. In view of distance between Pune to Nanded, and the fact that applicant/wife will be required to travel alone, the comparative hardship to the applicant will be more. As such, considering the hardship and inconvenience which tilted more in favour of applicant, application stands allowed, in terms of prayer clause "B".

(N.W. SAMBRE, J.)

pjm