

Sequeira

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

MISC. CIVIL APPLICATION NO. 62 OF 2016

Mrs.Namrata Rajesh Vaingankar. .. Applicant

Vs

Mr.Rajesh Premnath Vaingankar .. Respondent

Mr.Sujay Gawade a/w Ms.Anita Dubey, for the Applicant.

Mr.Mayur Salunke, for the Respondent.

Coram : N.M.Jamdar, J.

Date : 4 May 2017.

Oral Order :

Heard learned counsel for the parties.

2. The Applicant has sought transfer of the proceedings pending before the Family Court, Pune to Family Court, Thane.

3. The Respondent-husband has filed a Marriage Petition No.65 of 2016 under section 13(a)(ia) of the Hindu Marriage Act, 1955 seeking divorce. The Petition has been filed on 16 January 2016 and is pending. The transfer is sought on the ground that the Applicant is dependent on her parents and she has no independent source of income.

4. The learned counsel for the Respondent has sought to urge that merely because the Applicant is a lady, automatically proceedings

cannot be transferred disregarding the inconvenience caused to the Respondent who is working. Even assuming this submission is correct, the contention of the Applicant regarding not having independent source of income has gone uncontroverted. The Apex Court in the case of *Krishna Veni Nagam Vs Harish Nagam – Transfer Petition (Civil) No.1912 of 2014*, has indicated that transfer is not always the solution which is acceptable to all the parties and has indicated various methodology such as deposit and payment of travelling allowance.

5. The learned counsel for the Respondent on instructions states that the Respondent will pay amount of Rs.1000 towards the travelling expenses. The learned counsel for the Respondent is agreeable to accept travelling allowance in lieu of transfer but states that the amount should be more. As an adhoc amount, considering the distance involved, the amount appears to be fair. However, I do not wish to conclude this issue regarding fixation of the exact quantum which can be considered subsequent by looking at the exact expenses. Since the dispute in the application can be resolved on monetary terms by payment of travelling expenses, it is not necessary to transfer the proceedings to Thane. It is open to the Applicant to apply to the Family Court, Pune for increase of the travelling allowance if the Applicant finds it insufficient, which the Family Court will decide after hearing both the sides.

6. The learned counsel for the Applicant states that the Applicant

also may be given the option of attending the Court by video conferencing. It is open to the Applicant to make this request to the learned Family Court, Pune in view of the decision of the Apex Court in the case of *Krishna Nagam*.

7. In view of the above consensus, no further orders are required to be passed in this Civil Miscellaneous Application which is disposed of with liberty to the Applicant as above.

(N.M.Jamdar, J.)