

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO. 113 OF 2016

Mrs. Savita Sanjay Pawar ... Applicant

Versus

Mr. Sanjay Parshuram Pawar ... Respondent

Mr. Mahendra Mhatre for the Applicant.

Mr. Sachin Hande for the Respondent.

Mrs. Savita Sanjay Pawar – Applicant, present in person.

CORAM : S.J. KATHAWALLA, J.
DATED : 12TH JULY, 2017

P.C.:

1. By the above Misc. Civil Application filed under Section 24 of the Code of Civil Procedure, 1908, the Applicant-wife seeks transfer of the Hindu Marriage Petition No. 359 of 2014 filed by the Respondent-husband and pending before the 2nd Civil Judge, Senior Division, Sangali to the Civil Judge, Senior Division, Thane.
2. Since the parties had requested the Court to assist them in arriving at an amicable settlement, the Court spent substantial time with the parties and their Advocates to help them in arriving at a mutual settlement. In fact, the Advocate for the Applicant also forwarded draft Consent Terms to the Advocate for the Respondent. However, thereafter despite the Application being placed twice before this Court and though the Respondent attended the Court all the way from Sangali, the Applicant failed to come to the Court and left her Advocate in a very embarrassing

position. In view thereof, on 7th July, 2017 the above Misc. Civil Application was placed on 12th July, 2017 under the caption “for dismissal”. The said Order was conveyed to the Applicant, who is today present in Court along with her Advocate.

3. It is submitted by the Applicant that she is staying with her mother and brother at Thane and it is very difficult for her to travel all the way to Sangali to attend to the divorce proceedings filed by the Respondent. She has no relative at Sangali who can arrange her overnight stay. She has also submitted that the Applicant has no source of income, her mother is 50 years old and her brother who is working, cannot escort her from Thane to Sangali.

4. The Respondent has filed his Affidavit in Reply, wherein he has stated that the Applicant has deliberately concealed the material facts from this Court. He has stated in his Affidavit in Reply that though the brother of the Applicant is residing in Mumbai, her parental house is at Belvade, Taluka Kadegaon, District-Sangli, which is at a distance of 50 kms from Sangali. The financial condition of the Respondent is also very weak, his mother is aged and is suffering from several ailments. His father too is very old. It would therefore be very difficult for him to attend to the proceedings at Mumbai. The Applicant has no impediments to come and attend the proceedings before the Sangli Court. The financial condition of the Applicant is sound. He has submitted that if the Application is allowed, it will cause undue hardship, harassment and economic loss to him.

5. After hearing the Advocates for the parties, this Court enquired from the

Advocate for the Applicant whether she will attend to the proceedings at Sangali if her travel expenses are reimbursed by the Respondent. The Applicant who is present in Court, has agreed to do so. In view thereof, the following Order is passed. :

- i. The Applicant shall attend the Hindu Marriage Petition No. 359 of 2014 filed by the Respondent at the Court of 2nd Civil Judge, Senior Division, Sangali;
- ii. The Respondent shall pay an amount of Rs. 1,500/- towards travelling expenses to the Applicant on each date of hearing. The amount will be paid on the same day in cash, for which the Applicant shall issue written acknowledgment.
- iii. Both the parties have agreed that they shall not seek adjournments and proceed with the matter on the given dates. The 2nd Civil Judge, Senior Division, Sangali shall also not grant adjournments to the parties, unless absolutely necessary.
- iv. The above Misc. Civil Application is accordingly disposed off.

(S.J.KATHAWALLA,J.)