

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

MISC. CIVIL APPLICATION (ST) NO.15653 OF 2017

Savitri Ashok Hargude	...	Applicant
versus		
The State of Maharashtra and Anr.	...	Respondents

Mr. Anand Mishra i/by Mr. A.M.Saraogi, for Applicant.
Mr. Jayant Gohil, for Respondent No.2.

CORAM: S.J. KATHAWALLA, J.

DATE: 21st SEPTEMBER, 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 Case no.119 of 2016 filed by the Respondent No.2 husband and pending before the Civil Judge, Jr. Division at Panhala, Kolhapur to the Family Court at Mumbai.
2. The Applicant is admittedly residing in Mumbai since prior to 2003. She has submitted that travelling from Mumbai to Kolhapur will cause grave inconvenience to her, more so when the Respondent has not paid her Rs.5,000/- per month towards ad-interim/interim maintenance as ordered by the Metropolitan Magistrate, 13th Court, Dadar on 16th February, 2016, which order is confirmed by the Sessions Court on 19-08-2017. In response to a query raised by the Court as to whether the Respondent is willing to pay the travel expenses if the Applicant is

directed to contest the proceedings at Kolhapur, the Advocate for the Respondent states that the Respondent is not in position to pay any travel expenses to the Applicant. The learned Advocate for the Respondent has tried to make several submissions on merits of the case, which this Court is not required to go into at this stage. I am therefore, satisfied that grave inconvenience and hardship will be caused to the Applicant if she is required to go to Kolhapur from Mumbai to contest the proceedings filed by the Respondent at Panhala, Kolhapur, more so, when he has not complied with the orders passed by the Courts directing him to pay maintenance to the Applicant and also since he is not willing to pay the travel expenses to the Applicant. In view of the above facts, I pass the following order :

- i. Case No.119 of 2016 filed by the Respondent before the Civil Judge, Jr. Division, Panhala, Kolhapur stands transferred to the Family Court at Bandra.
- ii. The Court of Civil Judge, Jr. Division, Panhala shall ensure that the papers and proceedings of Case No.119 of 2016 are received by the Family Court, Bandra on or before 10th October, 2017.
- iii. Parties and / or their Advocates shall appear before the Principal Judge, Family Court at Bandra on 11th October, 2017 at 11.00 a.m. and obtain appropriate orders / directions.
- iv. The Family Court at Bandra shall endeavour to dispose off the Case No.119 of 2016 within a period of six months from 11th October, 2017.

- v. The parties as well as the learned Civil Judge, Junior Division, Panhala, Kolhapur and the Family Court at Bandra, to act on an authenticated copy of this order.
- vi. The above Misc. Civil Application is allowed in the aforesaid terms, with no order as to costs.

(S.J.KATHAWALLA, J.)