

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

MISCELLANEOUS CIVIL APPLICATION NO.94 OF 2017

Sou Harshal @ Vanita Vidyadhar Kulkarni ..Applicant

vs.

Mr.Vidyadhar Vijay Kulkarni ...Respondent

Mr. Madhav J. Jamdar for the Applicant.
Mr.Ashok Sitaram Pandire for the Respondent.

**CORAM : A. M. DHAVAL, J.
DATE : 28th SEPTEMBER, 2018.**

P.C.:

1. This application is by the wife under section 24 of CPC for transfer of Marriage Petition No.1410/2010 from Pune to Kalyan. The Respondent is the husband of the applicant. The marriage took place on 7/12/2012 at Dombivli. Within short time dispute arose and from 1/3/2013 the wife is residing at her matrimonial place at Kalyan. She lodged complaint of ill treatment before the Women's Cell of Police of Kalyan Division on 5/3/2013.

2. On 24/11/2016 the husband filed proceedings before Joint Civil Judge, Senior Division Pune under section 13(1) (i-a) (i-b) of the Hindu Marriage Act, 1955. Learned advocate for the applicant submits that the wife has no service. The domestic Violence proceeding is pending in the Court at Kalyan and the Court has granted maintenance of Rs.2,000/- p.m. but husband is not paying the amount. A sum of Rs.39,000/- is paid and there is huge arrears of Rs.94,000/-. In divorce petition the Judge

at Pune has directed the husband to pay Rs.25,000/- as litigation expenses and Rs.200 towards traveling expenses. However, she has received only Rs.10,000/- and no traveling expenses has been paid.

3. Per contra learned counsel for the Respondent submits that the wife has left matrimonial house within two months without any sufficient reasons. Thereafter there were attempts of reconciliation and the dispute were resolved in 2013, but since then the wife has not resumed cohabitation. He pointed out that so far maintenance is concerned Rs.43,000/- is paid by the husband towards maintenance by cheque. Whereas litigation expenses of Rs.25,000/- and conveyance of Rs.1,600/- are paid under Divorce proceedings. It is further submitted that the husband has got meager income of Rs.11,000/- and therefore the application be rejected.

4. Learned counsel for the applicant submits that in fact the income of the husband is Rs.80,000/- Therefore the maintenance granted is insufficient. Admittedly the wife is residing at Kalyan and is having no service. If she is not getting the maintenance amount regularly it is not possible for her to contest the proceedings. The proceedings under Domestic Violence Act is pending in Kalyan Court.

5. In the light of these facts, I am inclined to pass the following order:

ORDER

i) Application is allowed. Marriage Petition No.1410/2016 is transferred from the Court of Learned Joint Civil Judge, Senior Division, Pune to the Court of Learned Civil Judge, Senior Division, Kalyan;

ii) The Superintendent at the Pune Court shall take steps for

transferring the record to learned Civil Judge, Senior Division, Kalyan at the earliest. The parties are directed to remain present in the Kalyan Court on 22/10/2018 Judge;

iii) The learned Civil Judge, Senior Division, Kalyan to explore the use of internet connectivity so as to minimize the attendance of the husband. It is further directed that the learned Civil Judge, Senior Division, Kalyan shall give convenient dates so that the Respondent will be in a position to attend both the Courts at Kalyan on one and the same day.

(A. M. DHAVAL, J.)