

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

MISCELLANEOUS CIVIL APPLICATION NO.243 OF 2018

Sou. Asha Chandrashekar Borkar

... Applicant

V/s.

Shri Chandrashekhar Mohan Borkar

... Respondent

Mr. Sharad T. Bhosale for the Applicant.

Mr. Ashutosh S. Kale for the Respondent.

CORAM : A.M.DHAVAL, J.

DATE : 8th OCTOBER, 2018.

P.C.:

. Heard the learned advocates. H.M.P. No.480/2014 is filed by the husband before the Civil Judge Senior Division Pune. The wife is residing with her parents at Uplai (K) Taluka Madha District Solapur which is more than 200 kms away from Pune. She is having a daughter now aged about 9 years. It is also not disputed that already trial had begun and part heard. The petitioner has examined two witnesses. He is going to examine one more witness and wife is going to examine two witnesses. The wife is seeking transfer of the petition from Pune to Civil Judge Senior division, Barshi, District Solapur.

2. Considering the factual situation it will be convenient not to transfer the matter from Pune but to allow the wife to claim expenses for attending the Court at Pune from Madha with direction to the concerned Judge to record

evidence and complete the trial within a week or at the most in two weeks. The wife could stay in Pune and the husband could bear her expenses. Hence, the order:

ORDER

- i) The application is partly allowed;
- ii) The Respondent is directed to bear the actual journey expenses of his wife, daughter and one more person, if any, accompanying them from Madha to Pune;
- iii) The Respondent shall pay Rs.1,500/- per day to the wife towards their food and stay at Pune;
- iv) The Civil Judge Senior Division, Pune is directed to give one or two clear weeks for recording the evidence of both the sides on day to day basis and as far as possible the evidence recording should be completed within one week so that the wife will not be required to stay for a longer period to the inconvenience of her daughter's schooling;
- v) The Respondent shall also pay interim maintenance as directed by the Trial Court;
- vi) Learned Advocates shall consult the presiding officer of the concerned Court for suitable dates and on such dates the applicant shall attend with her daughter and one more person, if any,

accompanying them;

vii) If this order is not complied, the Civil Judge Senior Division shall give intimation to this Court and the matter shall be transferred;

viii) The Miscellaneous Civil Application stands disposed of.

(A.M.DHAVAL, J.)