

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

MISC.CIVIL APPLICATION NO.103 OF 2018

Mrs.Daksha H. Mota

...Applicant

Vs.

Hasmukh Bhimshi Mota

...Respondent

.....

Mr.Gautam A. Tambe for the Applicant.

Mr. Vivek Joshi for the Respondent.

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CORAM : A. M. DHAVALA, J.

DATE : AUGUST 29, 2018

PC :-

1. The applicant-wife is residing at Marol, Andheri. She seeks transfer of Hindu Marriage Petition No. A-516 of 2017 filed by her husband in the Family Court, Thane to Family Court, Bandra, Mumbai.

2. It is her case that she is having a daughter aged two years. She and her daughter are not keeping good health. She has filed domestic violence proceedings in Andheri Court. She is

residing with her parents at Marol, Andheri.

3. Learned counsel for the respondent opposes this application on the ground that the distance from Marol to Thane is not too much. She is already attending proceedings at Andheri and Dindoshi Courts. Even otherwise also, she is required to go from Dadar to Thane against rush. The respondent-husband is offering traveling expenses of Rs. 1000/- per visit.

4. The people in Thane and Mumbai are regularly traveling from one place to another. The wife is residing at Marol, Andheri. She will have to change the train, but even otherwise she will have to come to Dadar at rush hours in the direction of rush. Whereas, from Dadar to Thane, she can travel against rush when there will be no problem. It cannot be made a rule that all marriage petitions should be tried at the place of wife where she is residing. There is no material to show

that the wife and her daughter are having ill health. The wife is staying with her parents and custody of the child can be kept with them.

5. Considering the aforesaid facts, I am of the view that the offer of traveling expenses of Rs. 1000/- per visit can be considered. The Misc. Civil Application deserves to be dismissed. The trial Court is directed to pass an order regarding traveling expenses of Rs. 1000/- per visit as agreed by the respondent/husband. The Misc. Civil Application is accordingly disposed of.

6. The trial Court shall see that the applicant-wife should not be repeatedly called when her presence is not required.

[A. M. DHAVALE, J.]