

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

MISCELLANEOUS CIVIL APPLICATION NO.222 OF 2018

Mrs. Neha @ Pratibha Naresh
Pednekar

...Applicant

Versus

Naresh Manohar Pednekar

...Respondent

.....

Mr. Amogh P. Khadye for the Applicant.

Mr. Mahesh Kumar D. Tiwari for the Respondent.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 19th DECEMBER, 2018.

P.C.:-

By this application filed under Section 24 of the CPC, the Applicant seeks to transfer the M.J. Petition No.A-2966 of 2017 pending before the Court No.5, Hon'ble Family Court, Bandra, Mumbai to the learned Civil Court, Senior Division, Panjim, North Goa.

2. Heard Mr. Amogh Khadye, the learned counsel for the Applicant and Mr. Mahesh Kumar D. Tiwari for the Respondent.

Perused the records.

3. The Applicant and the Respondent were married on 21.11.2016 at Bandra. There are no children from the said wedlock.

Matrimonial discord between the parties resulted in filing of M.J. Petition No.A-2966 of 2017, which is presently pending in Family Court at Bandra. The Applicant has stated that since 7.7.2017 she is living with her parents at Dhargal, Goa. The Applicant has stated that the Family Court, Bandra is at a distance of 600 kms away from her parental home. She has further stated that she is unable to incur travel and accommodation expenses. She has therefore, prayed that the said marriage petition be transferred to Goa.

4. The Respondent has resisted the application on several grounds. In paragraph 9 of their reply the Respondent has stated that without prejudice to his rights and contention, he is ready to pay train fare/bus fare of the Applicant and the person accompanying her. In the course of the hearing the learned counsel for the Respondent has further stated that the Respondent is also willing to bare the expenses towards accommodation. He has further submitted that the Respondent is in private service and it is difficult to get leave and transfer to Goa. The learned counsel for the Respondent submits that the Respondent may loose his job if he goes on frequent leave to attend the court in Goa.

5. As it is apparent, the Applicant has sought transfer mainly on the ground that it is not financially feasible for her to travel from Goa to Mumbai on each date of hearing. These difficulties would be mitigated as the Respondent is ready and willing to bear travel and accommodation expenses of the Applicant, for every visit when she is required to attend the court in Mumbai. Furthermore, though the distance between parental home of the Applicant and the Court in Mumbai is about 600 kms, both these States are well connected with train and other modes of transport. Hence, the Applicant will not face much difficulty in undertaking the journey. Per contra, the Respondent, who is in private service will have to avail leave everytime he has to attend the hearing in the Court at Goa and this may result in the Respondent loosing his job or hampering his carrier progression.

6. Considering the above facts and circumstances, the request for transfer of the M.J. Petition No.A-2966 of 2017 is rejected. Nevertheless the Respondent is directed to pay Rs.8,000/- to the Applicant on each and every date of hearing that she appears before the Family Court at Bandra.

7. The application is disposed of accordingly.

(SMT. ANUJA PRABHUDESSAI, J.)