

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 6 OF 2018

Sou. Bharati Ajit Bhujbal	... Applicant
Vs.	
Ajit Pandit Bhujbal	... Respondent

WITH
MISCELLANEOUS CIVIL APPLICATION NO. 7 OF 2018

Sou. Bharati Ajit Bhujbal & Anr.	... Applicants
Vs.	
Ajit Pandit Bhujbal	... Respondent

Mr. Anand S. Patil, Advocate for the applicants.
Mr. Yogendra Kanchan a/w. Asif Khan, Advocate for the respondent.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **14th February, 2018.**

P.C.:

Miscellaneous Civil Application No. 6 of 2018 is moved by the applicant/wife for transfer of Hindu Marriage Petition No. 141 of 2017 filed by the respondent/husband under section 13(1)(i-a)(i-b) of the Hindu Marriage Act, 1955 for dissolution of their marriage before the learned Civil Judge Senior Division, Rajgurunagar, District Pune to learned Civil Judge Senior Division, Thane.

2. Miscellaneous Civil Application No. 7 of 2018 is moved for transferring Miscellaneous Civil Application No. 6 of 2015 filed by the

respondent/husband under section 6 of Hindu Minority & Guardianship Act and under section 25 of Guardian & Wards Act, 1890 for custody of minor son Ishan before the District Court at Khed (Rajgurunagar), District Pune to District Court, Thane.

3. The learned counsel for the applicant submitted that the applicant/wife is completely dependent on her brother in whose house at present she is residing. He submitted that the couple has 15 years old son, namely, Ishan, who is appearing for his 10th Standard examination in the month of March. The learned counsel submitted that it is not feasible for the applicant to visit from Vashi to Rajgurunagar and attend all the court dates. The applicant is not working and is completely dependent on her brother. It is also submitted that she has to look after her son, who is 15 years old.

4. The learned counsel for the respondent/husband is present and undertakes to file Vakalatnama. The learned counsel for the respondent submitted that the respondent has filed divorce petition and custody application for his son. He submitted that the evidence of the respondent in the custody application is already over and now the evidence of applicant is to be recorded. The Divorce Petition is

yet to be heard.

5. Considered the submissions. Not each case therein pleading inconvenience and financial dependence is to be considered for transferring the matter from one District to other District. There should be some sufficient cause, genuine objective difficulty and valid ground to allow the Application filed under section 24 of Code of Civil Procedure. The son is 15 years old, hence he is not physically dependent on his mother. Moreover, the distance from Vashi to Rajguru Nagar can be covered within 5 hours. Hence, no ground is made out for transfer. However, the financial arrangement for to and fro charges of the applicant is required to be made. So also, the concerned Court, who are trying the Marriage Petition and the Custody matter can be directed to expedite the matters to reduce the inconvenience of the applicant. Miscellaneous Civil Applications are disposed of with following order:

- (i) In Custody matter, it is directed to complete the evidence of the applicant in one or two sittings, so that she need not be required to come again.
- (ii) The respondent/husband and his counsel should cooperate the applicant;

- (iii) The learned trial Court in seisin of the Marriage Petition shall also try to complete the matter on the date when the matter is fixed, so also record the evidence of the parties, so that inconvenience may not be caused to the applicant in attending the Court dates from Vashi to Rajgurunagar.
- (iv) The matters are to be kept on consecutive dates;
- (v) Rs.3,000/- for each visit of the applicant to Rajgurunagar for court dates to be paid in cash immediately by the respondent/husband and if the applicant required to stay at Rajgurunagar, then more Rs.1,500/- to be paid to her.

(MRIDULA BHATKAR, J.)