

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.142 OF 2019

RUSHALI SURYAKANT GADE
VERSUS
SURYAKANT PANDURANG GADE

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Advocate for Applicant : Shri Tarde Sambhaji B.

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CORAM : RAVINDRA V. GHUGE, J.

Dated: July 16, 2019

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PER COURT :-

1. The applicant / wife seeks transfer of Petition No.A-981 of 2012, filed by the respondent / husband, from the learned 7th Family Court at Bandra to the learned Family Court at Ahmednagar. Contention is that she has to travel from Ahmednagar to Bandra in the said proceedings and it is cumbersome for her to undertake such a travel. She is residing with her aged parents and does not have a brother to accompany her.

2. I have specifically called upon the learned Advocate to state as to what is the stage in the matter, since the proceedings are seven years old and whether the applicant has claimed travelling expenses. The Learned Advocate submitted that the stage is of recording evidence in the matter. The applicant is granted Rs.4,000/- towards

interim maintenance. There are arrears and no travelling expenses are granted.

3. Upon perusal of the petition paper book I find that the learned Family Court at Bandra has passed an order granting Rs.1000/- as travelling expenses to the applicant for her each date of attendance in the proceedings.

4. It is unfortunate that when this was pointed out to the learned Advocate for the applicant, he tried to defend his statement by stating that the husband is in arrears. He places reliance on the following judgments:-

(i) Anjali Ashok Sadhwani Vs. Ashok Kishinchand Sadhwani - AIR 2009 SC 1374 and

(ii) Soma Choudhury Vs. Gourab Choudhury - (2006) 1 SCC (Cri.) 341 and

(iii) Sau. Shila Nitin Rajure Vs. Nitin Marotiappa Rajure - Misc. Civil Application No.184 of 2017, dated 9.1.2018.

5. It is settled law that when the husband pays for the travelling expenses of the wife to attend court proceedings, it could be a ground for refusing transfer of proceedings.

6. Considering the above, I do not find that this petition deserves to be entertained and more so when seven years have passed by and the proceedings are through recording of oral evidence.

7. As such, this application is rejected.

(RAVINDRA V. GHUGE, J.)

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