

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

MISC. CIVIL APPLICATION NO. 114 OF 2019

Mrs. Nidhee Amarjeet Bhosale Applicant
former name- Ms. Prachi Manohar Surve

Versus

Amarjeet Ratnu Bhosale ... Respondent.

Mr. Ganesh K. Sovani for the Applicant.
Mr. Bhupesh Samant i/b. Ms. Rashmi Tendulkar Samant for the
Respondent

CORAM : K. K. TATED, J.

DATE : 18th SEPTEMBER, 2019

P.C.

Heard learned counsels for the parties.

2. By this Miscellaneous Civil Application under Section 24 of the Code of Civil Procedure, 1908, applicant- wife is seeking transfer of Marriage Petition No.131/2018 filed by the respondent-husband for divorce under Section 13 of Hindu Marriage Act, 1955 before Civil Judge S.D., Khed, Dist. Ratnagiri to Civil Judge S.D., Panvel, Dist.Raigad for hearing and final disposal on its own merits.

3. Learned counsel for the applicant submits that the distance between Khed and Panvel is more than 150 km. Therefore, it is very difficult for the applicant to travel from Khed to Panvel along with her 3 ½ years old child to attend each and every date. He submits that in the interest of justice this Hon'ble Court be pleased to transfer Hindu Marriage Petition No.131/2018 filed by the respondent to Panvel Court for hearing and final disposal on its own merits. He submits that if the application is not allowed great inconvenience and harassment would be caused to the applicant.

4. On the other hand, the learned counsel Mr. Samant appearing on behalf of the respondent vehemently opposed the present application. He submits that the applicant already appeared before Khed Court and the matter is for hearing and final disposal on its own merits. He further submits that the distance between Khed and Panvel is not so long. He submits that same is connected with railway line as well as by road. He submits that distance between Panvel and Khed is not more than 2 to 3 hours. He further makes a statement after taking instructions from his client who is present in this Court, that the respondent is ready and willing to pay a sum of Rs.3000/- per

day, whenever the applicant attends the Court at Khed. He makes a statement that he will make the payment on the same day to the applicant.

5. In view of the statement made by counsel for the Respondent, there is no question to transfer the matter from one place to other place, when the respondent-husband is ready to pay Rs.3000/- to the applicant on each and every date, whenever the applicant attend the matter at Khed Court.

6. After arguing for some time Advocate for applicant seeks liberty to delete ground No. 'N', 'O' & 'P' on page Nos. 8 & 9. Same is permitted.

7. Considering these facts, I do not find any substance in the present Miscellaneous Civil Application. Hence, the following order -

- i) Respondent do pay a sum of Rs.3000/- to the applicant on each date, whenever she attend the matter at Khed Court, on the same day.
- ii) It is made clear that, in case of any default on the part of the respondent in making payment on the same day, he has to make payment of Rs.4500/- thereafter for each date, and liberty to the applicant to move this Court for transfer of the matter.

(iii) Hearing of Marriage Petition No.131/2018 is expedited.

(iv) It is made clear that liberty granted to the respondent to make payment to the applicant's Advocate in case of any difficulty.

(v) Amendment be carried out during the course of day.

(vi) Miscellaneous Civil Application stands disposed with above direction with no order as to costs.

[K. K. TATED, J.]