

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Misc. Civil Application No.106/2019

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Mrs. Vandana Santara for the Applicant Ms. Kalpana Shah I/b. Aanchal Jain for the Respondent

CORAM : K.K.TATED, J.
DATED : JULY 19, 2019

P.C.

1 Heard. This Application is filed by wife under section 24 of the Code of Civil Procedure, 1908 for transfer of MP No.A.297/2017 filed by the Respondent husband u/s.13(1)(ia) of the Hindu Marriage Act, 1955 before the Family Court, Mumbai to the Family Court at Solapur.

2 The learned counsel for the Applicant submits that it is very difficult for the Applicant to travel from Solapur to Mumbai to attend the matter on every date. She submits that her parents are senior citizen. There is no body to accompany the Applicant from Solapur to Mumbai to attend the matter on each

and every date. She submits that in a petition filed by the Respondent for divorce, the Applicant has made an application for maintenance. She submits that the Family Court has directed Respondent No.1 to pay sum of Rs.6000/- pm. She submits that the Respondent has failed and neglected to comply with the said order. As per her calculation, as on today, more than Rs.1,86,000/- is due and payable by the Respondent husband.

3 The learned counsel for the Applicant submits that from Solapur to Mumbai, the Applicant has to travel over-night. Therefore, it is very difficult for her to attend the matter at Mumbai. She submits that in the interest of justice, this Hon'ble Court be pleased to transfer the petition filed by the Respondent before Family Court, Bandra, Mumbai to the Family Court Solapur for for hearing and final disposal on merits.

4 On the other hand, the learned counsel for the Respondent husband has vehemently opposed the application. She submits that the Respondent's

parents are senior citizen. Nobody is there to look after them except the Respondent. She submits that if the matter is transferred from Mumbai to Solapur, it will be impossible for the Respondent to attend the matter on every date at Solapur. She submits that it is very difficult for the Respondent to pay sum of Rs.2500/- to the Applicant for traveling purpose on each date. She submits that since filing of the petition for divorce by the Respondent, the Applicant has been attending the matter regularly at Bandra Family Court and filing several application in that proceedings except written statement. Therefore, it can clearly be seen that, the Applicant has filed the present application, just to harass the Respondent husband. In view of these facts, the learned counsel for the Respondent submits that there is no substance in the present application and same is liable to be dismissed with costs.

4 Heard both sides at length. It is to be noted that in the present proceedings admittedly the Applicant is residing at Solapur. To travel from Solapur to Mumbai, she has to travel over-night.

The distance between these two stations is more than 450 km. Apart from that though the Family Court has directed the Respondent to pay sum of Rs.6000/- pm by way of maintenance, he has failed and neglected to pay the same. He is in arrears of more than Rs.1,50,000/-. Considering these facts, I am of the opinion that the Applicant has made out a case for allowing the Civil Application.

5 Hence, following order is passed:

- a. The M.P.No.A-297/2017 filed by the Respondent husband before the Family Court, Bandra, Mumbai is transferred to the Family Court at Solapur for hearing and final disposal on merits.
- b. Hearing of MP No. A.297/2017 is expedited.
- c. No order as to costs.
- d. Misc. Civil Application stands allowed accordingly.
- e. No order as to costs.

(K.K.TATED, J.)