

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

MISC. CIVIL APPLICATION NO. 245 OF 2019

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Mahesh Chandanshiv with Girish Nagon for the Applicant. Shabnam Kazi i/b Suvarna Joshi for Respondent.

**CORAM: K.K.TATED, J.
DATED : OCTOBER 1, 2019**

PC.

- 1 Heard Learned Counsel for the parties.

2. By this Misc. Civil Application under Section 24 of the CPC, the Applicant-wife is seeking transfer of Hindu Marriage Petition No.A-1527/2013 filed by the Respondent/husband under Section 13(1) (ia) of the Hindu Marriage Act, 1955 for divorce before the Family Court at Bandra to the Competent Court at Nashik.

3. The Learned Counsel for the Applicant submits that, the Applicant being a lady it is not possible for her to travel from Nashik to

Mumbai on each and every date. He further submits that, the Applicant's parents are senior citizens. Therefore, it is not possible for to travel/accompanying by with the Applicant. Therefore, the Applicant filed the present application for transferring the matter from Mumbai to Nashik for hearing and final disposal on its own merits.

4. On the other hand, the Learned Counsel for the Respondent vehemently opposed the present Misc. Application. She submits that in the present proceeding the Applicant is appearing before the Family Court Bandra. She already engaged the advocate. Not only that the Applicant preferred an application below exhibit 15 in Interim Application No. 161/2015 for maintenance. She submits that, the Family Court by order dated 27/08/2015 directed the Respondent to pay sum of Rs. 40,000/- per month towards the interim maintenance to the Applicant and also Rs. 6,000/- towards the traveling expenses. She submits that the said order was challenged by the Respondent before this Court bearing Writ Petition No. 8397/2016. She submits that the said Writ Petition was partly allowed by this Court by order dated 19/10/2016 holding that the

Applicant is entitled monthly maintenance charges @ Rs. 25,000/- per month. She further submits that this Court continued the payment of Rs. 6,000/- towards the expenses. She submits that in view of these facts and as the Applicant is getting sum of Rs. 6,000/- by way of traveling expenses, there is no question of transfer of matter from Mumbai to Nashik for hearing on its own merits. She further submits that the distance between Mumbai to Nashik is more than 4 hours journey and railway facilities are available between these two cities. Therefore, there is no question of allowing the present application and the same is required to be dismissed with costs.

5. It is to be noted that in the present proceeding the Respondent husband filed Hindu Marriage Petition in the year 2013 which is pending for hearing and final disposal on its own merits. In that matter, the Applicant already engaged the advocate and also filed the Application for interim maintenance below exhibit 15 in Interim Application No. 161/2015. At the time of allowing the application filed by the Applicant for interim maintenance, the Family Court specifically directed the

Respondent to pay Sum of Rs. 6,000/- to the Applicant towards the traveling expenses whenever she attend the Court at Mumbai. Considering these facts and the distance between Mumbai and Nashik which is not so long, I do not find any substance in the present application.

6. Hence, the following order:

- a. Misc. Civil Application stands rejected.
- b. No order as to costs.
- c. At the request of the advocate for Respondent, Hindu Marriage Petition No. 1527/2013 filed him pending before the Family Court at Bandra, Mumbai is expedited.

(K.K.TATED, J.)