

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**MISC. CIVIL APPLICATION NO. 192 OF 2018**

Sarika Sachin Deshmukh

.....Applicant

V/s.

Sachin Eknath Deshmukh

....Respondent

\* \* \* \*

Mr. Ravindra Pachundkar, Advocate for the applicant.

Mr. Sahil Mahajan, Advocate for the respondent.

**CORAM : SANDEEP K. SHINDE, J.**

**Wednesday, 3<sup>rd</sup> April, 2019.**

**P.C. :**

1. Heard learned Counsel for the parties.
2. It is an application under Section 24 of the Civil Procedure Code whereby the wife is seeking transfer of the proceedings filed by her husband i.e. Marriage Petition No.746 of 2015 pending before the learned Family Court, Thane to Civil Judge Senior Division, Shivajinagar, Pune.
3. The transfer is sought mainly on the ground that,

the applicant may have to travel 300 kms to and fro for attending the proceedings at Thane which is inconvenient to her. It is contended that, there is no one in the family to accompany her, in as much as, her parents are advised to undergo surgery.

4. The learned Counsel for the respondent, has pointed out that, the subject marriage petition was filed in October, 2015 and wife has filed the written statement and also an application for maintenance pending the petition. It is pointed out that, in January 2017, Rs. 7,000/- maintenance has been granted to the wife. It is further pointed out, that the husband has filed an affidavit-in-lieu of evidence. It is contended that, all the witnesses are from Thane. On this ground, he would submit that in the interest of both the parties, the petition may not be transferred from Thane to Pune and instead the learned Judge Family Court may be requested to expedite the hearing of the subject marriage petition.

5. I have gone through the application and the reply filed by the respondents. The subject petition was filed in the year 2015 and the applicant-wife has submitted to the jurisdiction of the Family Court at Thane since then. She has also applied for the maintenance which is eventually granted in the year 2017. The subject petition has

progressed to a substantial extent and therefore, in my view, the transfer of proceedings at this stage may not be in the interest of both the parties.

6. So far as the distance is concerned, the learned trial Judge may not insist the presence of the applicant on each day of hearing, unless, it is so essential. Besides, I am inclined to direct the respondents to pay the travelling expenses of Rs.1,500/- to the applicant-wife, as and when, she would attend the proceedings at Thane. It is made clear that, if travelling expenses are not paid, liberty is granted to the applicant to apply to this Court for appropriate order.

7. Thus taking into consideration, the facts of the case, the learned Judge of the Family Court is requested to dispose of the subject marriage petition, as early as possible, and preferably before December, 2019.

8. Taking into consideration facts of the case, I am not inclined to grant this application. The Misc. Civil Application is therefore rejected.

**(SANDEEP K. SHINDE, J)**