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

MIS. CIVIL APPLICATION (ST) NO.33843 OF 2018

Mrs. Harsha Sandeep Nachare ... Applicant
Vs
Mr. Sandeep Dattaram Nachare ... Respondent
...
Ms. Ujwala Shamrao Sapkale for the Applicant.
Mr. Milind A. Ingole for the Respondent.

CORAM : SANDEEP K. SHINDE, J.
DATE : 22 MARCH, 2019

P.C. :

It is an application under Section 24 of the Code of Civil Procedure, 1908.

2 The applicant-wife seeks to transfer Petition No. A-2537 of 2018 filed by the husband in the Family Court, Bandra to the Court of Civil Judge, Senior Division, Kalyan. Parties marriage was solemnised on 28th December, 2013 and there are no issues out of the said wed-lock. Applicant is residing with her father at Kalyan. Her Matrimonial house was at, Trombay, Mumbai. Applicant is a graduate and at present not working.

3 Applicant has filed proceedings under the Domestic Violence Act at Kalyan against her husband which are pending. She seeks transfer of the proceedings only on the ground that there is nobody to accompany her from Kalyan to Bandra, since her father is heart patient. It is also submitted that the brother of the respondent has criminal antecedents and thus apprehends danger to her life. On these two grounds, she has invoked the jurisdiction of this Court under Section 24 of the Code of Civil Procedure, 1908.

4 Respondent has filed reply disclosing the fact that applicant was a teacher and was attending the school when she was residing at Trombay, Mumbai.

5 Distance between the Kalyan and Mumbai is hardly 30-35 kms. Judicial notice can be taken of the fact that good mode of conveyance is available from Kalyan to Bandra and no inconvenience would cause to the applicant while commuting to Bandra. In my view, ground on which transfer is sought is neither

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persuasive nor reasonable.

6 Thus, considering the facts of the case, respondent is directed pay Rs.700/- to the wife on each date when she is required to attend the proceedings at Family Court, Bandra. It is made clear that if the respondent fails to pay cost, as directed, the applicant is at liberty to move this Court for revoking this order.

7 That for the reasons aforesaid, following order is passed:

- (1) Parties to appear before the Family Court at Bandra on 28th March, 2019.
- (2) The Miscellaneous Civil Application is disposed of in the aforesaid terms.
- (3) Parties to act upon an authenticated copy of this order.

(SANDEEP K. SHINDE, J.)