

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

MISC. CIVIL APPLICATION No. (Tr.) 341 OF 2019

Roshani Yashawant Bawankar
VS.
Yashwant Santosh Bawanke

Office Notes, Office Memorandum of Coram,
orders
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's

Shri. S. P. Kshirsagar, Advocate for the applicant.
Shri. Kailash Rawandhe, Advocate for respondent.

CORAM : Nitin W. Sambre

DATED : 11.09.2019

Transfer of the proceeding is sought from the file of Civil Judge Senior Division, Gadchiroli to Nagpur Court.

2. The learned counsel for the applicant urged that the applicant and all her family members employed at various places and as such it is difficult for her to attend the proceeding at Gadchiroli.

3. According to him, the applicant is ready and willing to bear the transport expenses of the non-applicant provided non-applicant travels by car.

4. While counter in the aforesaid submission, on instructions the learned counsel for the non-applicant submits that considering the distance between two cities i.e. around 350 k.m., the non-applicant shall deposit an amount of Rs.5000/- towards transportation charges and Rs.2500/- towards out of pocket expenses on each date in advance. He would urge that considering the aforesaid reasons, the application be rejected.

5. Having bestowed my thoughts to the submissions made, this Court is required to work out equalities in favour of the charges particularly, having regard to the hardship as will be suffered by each of them.

6. The non-applicant in my opinion has come out with a very fair proposal of depositing of Rs.7,500/- on each date towards travel and out of pocket expenses for applicant so as to attend the proceeding at Gadchiroli. Since statement about deposit of amount is made by the learned counsel for the non-applicant on instructions, same is accepted as an undertaking. The non-applicant shall initially deposit an amount of Rs.15,000/- in HMP No. 111/2018 pending on the file of Civil Judge Senior Division, Gadchiroli within a period of two weeks from today. An intimation of deposit be given to the applicant through

R.P.A.D. or through counsel appearing in this proceeding.

7. The non-applicant shall continue to deposit an amount of Rs.7,500/- on each date till final disposal of HMP No.111/2018.

8. The applicant shall be entitled to withdraw the amount of Rs.7,500/- on each date in the aforesaid proceeding, provided she personally attend the proceeding.

9. A single default on the part of the non-applicant in depositing the amount, shall result in violation of the undertaking given to this Court. As a consequence of violation of undertaking, HMP No.111/2018 pending on the file of Civil Judge Senior Division, Gadchiroli shall stand automatically transferred to the file of Civil Judge Senior Division, Nagpur as prayed by the applicant.

10. The application stands disposed of accordingly.

JUDGE