

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO.106 OF 2018

DEEPIKA NITIN KHEDKAR
VERSUS
NITIN ARUN KHEDKAR

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Advocate for Applicant : Shri Deshmukh Abhay G.
Advocate for Respondent : Shri Nikam Prashant K.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: February 24, 2020

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PER COURT :-

1. The applicant / wife seeks transfer of HMP No.80 of 2017 from the Court of the learned Civil Judge S.D., Ambajogai to the learned Family Court at Pune.
2. On 3.7.2018, this Court (Coram : Sunil P. Deshmukh, J.) granted protection to the petitioner by staying the proceedings filed by the husband.
3. The learned Advocate for the husband points out that the applicant wife had moved an application Exhibit 11 on 25.10.2017 praying for litigation expenses. She had sought Rs.25,000/- P.M. The trial Court passed an order on 6.1.2018 granting Rs.7,500/- P.M. towards interim maintenance as well as litigation expenses from the date of the application. An earlier order dated 25.10.2017 granting

travelling allowance and incidental expenses, was cancelled in view of the order dated 6.1.2018.

4. The learned Advocate for the applicant / wife submits that she has not suppressed this aspect from this Court and has set out the details regarding the said order in paragraph No.2 of the memo of the application.

5. It is, therefore, obvious that though the applicant has not suppressed receiving travelling / litigation expenses, the fact remains that when the wife is receiving litigation expenses, this Court would not transfer the proceedings.

6. In view of the above, this application is not being entertained as the applicant is already receiving interim maintenance and travelling expenses from November, 2017 and therefore, this application stands rejected.

7. Needless to state, the respondent / husband is expected to regularly pay the amounts as directed, without any default. The learned Advocate for the husband submits, on instructions, that he undertakes not to be in arrears of such claims.

8. At this stage, the learned Advocate for the wife submits that HMP No.80 of 2017 be expedited. As such, the said request is accepted and the concerned Court will endeavour to decide the said proceedings as expeditiously as possible and preferably on/or before 31.12.2020.

(RAVINDRA V. GHUGE, J.)

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