

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO. 81 of 2020

Mrs.Ketaki Prathamesh Salekar @
Mrs.Ketaki Ravindra Pawshe .. Applicant
Versus
Prathamesh Ashok Salekar .. Respondent

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Mr.Abhay Thorat for the applicant.
Mrs.Shweta Agrawal for the respondent.

CORAM: BHARATI DANGRE, J.
DATED : 16th MARCH 2020

P.C:-

1 By the present application, the applicant wife seeks transfer of Petition No. A-2617/2019 filed by the respondent husband at the Family Court No.4, Mumbai Bandra to the Family Court, Pune Shivaji Nagar. In the application, the ground for transfer is set out to be that there is a four year old child undergoing education in nursery and he need to be catered to.

2 Application also proceeds to state that the applicant is also prosecuting her Masters Degree in Law for betterment of her future prospects. The difficulty expressed is that in light of the

aforesaid two circumstances, it would be difficult for her to attend the proceedings in the Bandra Court and this would also incur expenses which she is not able to bear since she is not engaged in any avocation at present.

3 Learned counsel for the respondent on the other hand, submit that the respondent is working as a School Teacher and he has instituted the proceedings seeking divorce before the Family Court at Bandra. The respondent also expressed his inability to travel to Pune since he is in service and securing leave would pose him a difficulty.

4 Considering the averments in the application and on hearing the learned counsel for the applicant as well as the respondent, the application deserves to be rejected.

5 In light of the said circumstances, since the transfer is not justified merely on the ground that the child is small, in the application itself, the applicant has categorically made a statement that she is staying with her parents so that the parents can take care of the child on a day's journey when the applicant is required to travel from Mumbai to Pune to attend the proceedings. Since, merely being a woman can give no right to seek transfer of proceedings but the transfer must be allowed when it aims to secure justice.

6 The difficulty expressed by the applicant that she is without any income and travelling from Pune to Mumbai (Bandra) would incur expenses, the respondent is directed to reimburse the expenses for travel of the applicant on each date of hearing on presenting the necessary details of the travel.

7 As far as the proceedings are concerned, it is informed by the learned counsel for the respondent that they are at a very primitive stage i.e. counseling stage.

8 Being without merit and substance, Misc. Civil Application is dismissed however, subject to the caveat as above.

SMT. BHARATI DANGRE, J