

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO.281 OF 2019**

Shravani Vinod Chiplunkar .. Applicant

Vs.

Vinod Vasant Chiplunkar .. Respondent

...

Mr. Prashant Patil i/b Kiran N. Patil for the Applicant.

Mr. Mahesh Subramaniam for the Respondent.

...

CORAM: SMT. BHARATI DANGRE, J.

DATED : 13TH MARCH, 2020.

P.C:-

1. The present Application filed under Section 24 of the Code of Civil Procedure seeks transfer of Marriage Petition being Petition No.23 of 2019 from the Court of Civil Judge, Senior Division, Khed to the Court of Civil Judge, Senior Division, Satara. The present Application is filed by the wife and HMP Petition is filed by the husband. The Applicant has also instituted proceedings under the Domestic Violence Act, which are pending in the Civil Judge, Senior Division, Satara.

2. Learned counsel for the Respondent states that the HMP Petition is near culmination and the evidence of the husband and his brother is concluded.

3. In view of this statement, it would not be appropriate to transfer the proceedings at this stage since it is expected that on transfer, some time may be consumed, which would unnecessarily delay the decision of the HMP Petition filed by the husband.

4. Learned counsel for the Applicant submits that the Civil Judge, Senior Division, Khed has already granted an amount of Rs.1,000/- towards conveyance to the Applicant for attending the proceedings at Khed. However, according to him, there is persistent default and except tendering the said amount on one occasion, there is refusal to do so. He also states that the Respondent-husband is in arrears of amount of maintenance directed to be paid in the proceedings under the Domestic Violence Act.

5. Considering the interest of the parties, since the proceedings are at the fag end, the proceedings are permitted to be continued in the Court of Civil Judge, Senior Division, Khed. However, the Applicant would remain present on the next date of hearing only when the Respondent-husband ensures that the conveyance amount granted to the Applicant by the Court of

Civil Judge, Senior Division, Khed is paid to her and all the arrears of such amount due are cleared. It is only when this amount is cleared and paid to the Applicant she would mark her presence before the Civil Judge, Senior Division, Khed where the petition filed by the husband is awaiting adjudication.

6. With the aforesaid direction, the Misc. Civil Application is disposed of.

[SMT. BHARATI DANGRE, J.]