

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

MISC.CIVIL APPLICATION NO.27 OF 2020

**SHITAL CHETAN JANJALE
VERSUS
CHETAN VINOD JANJALE**

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Advocate for Applicant : Mr. Kailas B. Jadhav
Advocate for Respondent : Ms. Sanyogita N. Page

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CORAM : MANGESH S. PATIL, J.

DATE : 08.10.2021

PER COURT :

This is an application under Section 24 of the Code of Civil Procedure.

2. The applicant is the wife of the respondent. He has filed a divorce proceeding bearing P.A. No.447/2016 which is pending in the Family Court No.4 at Pune. By this Application she is seeking its transfer to Aurangabad on the ground that though for the initial period when the petition for divorce was filed before the Family Court, she was residing in Pune with her brother. She had to migrate to Aurangabad because of some financial crises of the brother. Since thereafter she has been residing with her paternal uncle at Aurangabad. She has got 8 year old son. There is no member in the family to accompany her if she has to go to Pune to attend the proceeding. She also submits that nothing is being paid to her by way of alimony and therefore to avoid any further hardship the matter may be transferred to Aurangabad.

3. The learned advocate for respondent opposes the request. She submits that the grounds being put forth are only an attempt at make belief. There is no iota of material to substantiate the stand being taken in the Application. It was her fault not to press for the Application which she had filed for interim alimony and the respondent cannot be blamed therefor. It is only with a view to harass the respondent that the Application has been filed.

4. I have considered the rival submissions and perused the papers. The divorce proceeding which is pending at Pune was filed in the year 2016. Admittedly at the time of such filing the applicant was residing in Pune. She appeared in that matter, filed her written statement, the issues have been framed and the parties are unanimous that the proceeding is now at the stage of hearing. An affidavit in examination-in-chief has also been tendered by the respondent and the applicant is to cross-examine him. It is also a matter of record that in that proceeding the applicant had filed an application for interim alimony but since thereafter does not seem to have taken steps for its decision. Consequently she cannot be now heard to say anything on that ground.

5. Again, except the bare statement in the Application there is no material to reveal that because of some reasons, as are being agitated in the Application, she had to migrate from Pune to Aurangabad. She has not even disclosed the name of her paternal uncle with whom she allegedly stays at Aurangabad. No other proceeding between the parties is pending except the

divorce proceeding which is being sought to be transferred.

6. Considering all the aforementioned facts and circumstances, instead of transferring the proceeding from Pune to Aurangabad, it would be just and proper to direct the respondent to bear the expenses of her travel and stay, if at all, to attend the divorce proceeding at Pune.

7. The Application is rejected. However, the respondent shall pay to the applicant an amount of Rs.2000/- for every date she attends the divorce proceeding in the Family Court at Pune. The learned Judge of the Family Court at Pune shall see to it that the respondent obeys the direction punctually.

(MANGESH S. PATIL, J.)

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