

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

MISC. CIVIL APPLICATION NO.68 OF 2020

**RUPALI KAMLESH VISPUTE
VERSUS
SHRI KAMLESH JAGDISH VISPUTE**

...
Advocate for Applicant : Mr. Savale Amit S.
Advocate for Respondent : Mr. Vishnu B. Madan
...

CORAM : MANGESH S. PATIL, J.

DATE : 01.09.2021

PER COURT :

Heard both the sides finally.

2. This is an application under Section 24 of the Code of Civil Procedure filed by the applicant who is the wife of the respondent, seeking transfer of the Marriage Petition instituted by him for divorce in the Court at Nashik to the Court at Nandurbar.

3. According to the learned advocate for the petitioner, the respondent has instituted the Divorce Proceeding at Nashik and she has to travel between her parental home at Nandurbar where she has been residing since the couple has got separated, and Nashik. The distance between Nashik and Nandurbar is 220 Km. She has no source of income. The expenses for such commutation is around Rs.600/- one way. Besides, she cannot travel alone and had to be accompanied by some one. As against this she has also instituted a criminal case and a proceeding under Domestic

Violence Act in the courts at Nandurbar. The respondent even otherwise has to travel to Nandurbar to attend those proceedings. He is in the permanent employment as an I.T. head in a School and earning around Rs.40,000/- per month by way of salary. His father is a pensioner and his brother is a businessman. There are no dependents on him and therefore he would not be put to any inconvenience if he is made to travel to Nandurbar after the Divorce Proceeding is transferred.

4. The learned advocate for the respondent would submit that it is after filing of the Divorce Proceeding by him that the applicant has filed the two proceedings at Nandurbar just to harass him. He would further submit that if necessary at the most the respondent can be made to bear the expenses for her commutation. However there is absolutely no ground put forth to transfer the proceeding.

5. I have carefully considered the rival submissions and the papers. True it is that as it is the respondent will have to defend both the matters lodged by the applicant at Nandurbar. However, when apparently except the ground of inconvenience no other ground is being put forth by the applicant, in my considered view, it would be appropriate to direct the respondent to pay to her fixed charges in the form of reimbursement of the expenses which she will have to incur to attend the proceeding at Nashik, along with a companion.

6. The Application is rejected. However, the respondent shall pay to the applicant an amount of Rs.2500/- for every date she attends the

Divorce Proceeding in the Family Court at Nashik. The learned Judge of the Family Court at Nashik shall see to it that the direction is complied with punctually.

(MANGESH S. PATIL, J.)

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