

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC. CIVIL APPLICATION NO.206 OF 2021

Nita Pravin Salve,
Age : 28 years, Occu. Housewife,
R/o Manohar Sanbhaji Sonawane,
R.K. Residency, Room No.104,
“B” Wing, Mhada Colony,
Apartewadinaka, Badalapur East,
District Thane

APPLICANT

VERSUS

Pravin Daniyal Salve,
Age : 35 years, Occu. Labour,
R/o Gaikawad Vasti, Ward No.7,
Shrirampur, Tq. Shrirampur,
District Ahmednagar

RESPONDENT

.....
Smt. Sunita G. Sonawane, Advocate for the applicant
Smt. Savita G. Mapari (Bidve), Advocate for the respondent
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CORAM : MANGESH S. PATIL, J.

DATE : 25.11.2021

PER COURT :

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

2. I have heard the learned Advocates for both the sides and perused the papers.

3. The applicant is the wife of the respondent, seeking transfer of

the proceeding for restitution of conjugal rights being Marriage Petition No.06/2029 pending on the file of learned District Judge-1 at Shrirampur to the competent court at Kalyan, District Thane, which is a proceeding filed under Section 32 of the Divorce Act.

4. According to the applicant, she has a ten years old daughter and she has been residing with her parents at Badalapur. The distance from Badalapur to Shrirampur is 250 kms. and it is difficult for her to commute between the two places. She has no source of earning and would be put to greater hardship if the proceeding is allowed to be continued at Shrirampur than that would be faced by the respondent if it is transferred to Kalyan.

5. Per contra, according the learned Advocate for the respondent, he is suffering from a disease for which he has already been operated thrice since the year 2016. Currently, he is also jobless and he would face greater hardship if he is made to go to Kalyan. She would further submit that the applicant has already appeared in the matter in the court at Shrirampur, which has now reached the stage of recording evidence.

6. Having considered the fact that there is a medical record of the respondent prima facie demonstrating the prolonged treatment he had to undertake for the ailment, including the surgeries coupled with the fact that already somehow the applicant has been able to defend the proceeding going on in the court at Shrirampur, it would be appropriate

that instead of directing any transfer as being claimed by the applicant, the respondent is directed to pay to her a fixed amount for every date she attends the proceeding in the court at Shrirampur.

7. The application is partly allowed. The request for transfer of the proceeding is rejected. However, the respondent shall pay an amount of Rs.1500/- to the applicant for every date she attends the proceeding at Shrirampur. The court at Shrirampur shall see to it that the order is punctually complied with.

[MANGESH S. PATIL]
JUDGE