

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISC.CIVIL APPLICATION NO. 158 OF 2021

Sau. Diksha Swapnil Babar	...Applicant
vs.	
Swapnil Subhash Babar	...Respondent

Mr.Anant Vadgaonkar for Applicant.

CORAM : BHARATI DANGRE, J.

DATED : 6 OCTOBER 2021

PC. :

1. By the present application, the Applicant wife is seeking transfer of HMP No.34/2020 filed by the Respondent wife in the court of Civil Judge, Senior Division, Pandharpur to the Family Court at Solapur. The Applicant has preferred an application before the Family Court at Solapur for claiming maintenance and transfer of the proceeding to Solapur is sought on the ground that the distance between Solapur and Pandharpur is 72 kms. and she will have to incur expenses to the tune of Rs.1000/- to attend the proceedings. It is alleged that she stay along with her old grandmother, who has several health issues and widowed mother as well as brother who is pursuing education and she has to take care of them.

2. Heard learned Counsel for the Applicant. Perused the application. The grounds sought for transferring the proceedings to Solapur do not justify the exercise of power under Section 24 of the Code of Civil Procedure since the power cannot be exercised by the High Court at the

drop of hat and though convenience of the parties will be one factor in exercise of the power, it surely is not the sole factor. The distance between Solapur and Pandharpur being barely 72 kms, I do not consider this to be ground for transfer of proceedings. The other reason cited about illness of her grandmother is not sufficient to transfer the proceedings, since it is the Applicant who has to travel for attending the proceedings and as far as expenses are concerned, on the proceedings being transferred, the Applicant is at liberty to make an application before the concerned court to claim expenses from the Respondent husband and when such application is preferred, that would be duly considered by the said court.

3. For the aforesaid reasons, the application cannot be entertained and is dismissed.

(SMT. BHARATI DANGRE, J.)