

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO.35 OF 2021

Dipika Manish Shetty .. Applicant
Versus
Manish Shetty .. Respondent

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Mr.Nikhil Mhatre with Mr.Pratik Garg i/b Mr.Pradeep Patole
for the Applicant.

Mr.Dilip H. Shukla for the Respondent.

Mr.Manish Shetty, the Respondent, present in Court.

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CORAM: BHARATI DANGRE, J.
DATED : 07th DECEMBER, 2021

P.C:-

1. By the present application, the applicant/wife, seeks transfer of Marriage Petition No.246 of 2020 filed under Section 13(1)(i-a) of the Hindu Marriage Act, 1955 before the learned Civil Judge, Senior Division, Pune to the Court of Civil Judge, Senior Division, Thane.

2. Heard the learned counsel appearing for the respective parties.

3. The marriage between the parties was solemnized on 09/04/2017 and the parties last resided together at Pune.

Since, the marriage did not work out smoothly, the written complaint was filed by the applicant to the Commissioner of Police, Navi Mumbai and the proceedings under the DV Act are instituted by her in the Court at Navi Mumbai. The respondent/husband filed the Marriage Petition as mentioned above, seeking dissolution of marriage in the Court of Civil Judge, Senior Division, Pune and the applicant has received summons for the same.

On hearing the respective counsel, I do not see any ground for allowing the request of the applicant, since presently she is residing at Navi Mumbai and the respondent is staying at Pune where the Marriage Petition has been instituted by him. The distance between Nerul and Pune, would be at the most, approximately 120 kms. This will project no difficulty as it is not uncommon for people to travel to-and-fro Pune to Mumbai everyday and the applicant is residing at Navi Mumbai, which is much closer to Pune. However, the applicant has put forth the financial constraints in undertaking the travel for attending the proceedings.

Learned counsel for the respondent, in all fairness, on obtaining the instructions from the respondent, states that the respondent will arrange for the travel expenses of the applicant, on actual proof of travel expenses being tendered.

4. In the wake of the aforesaid statement, when the respondent/husband is ready to take care of travel expenses of the applicant/wife, I am not inclined to grant any indulgence and exercise the jurisdiction under Section 24 of the Code.

The miscellaneous civil application is, therefore, rejected.

The respondent shall arrange for the travel expenses of the applicant, on submission of actual proof/receipts of expenses, in the Court at Pune, on the next date of hearing.

(SMT. BHARATI DANGRE, J.)