

BDP-SPS

Bharat
D.
Pandit
Digitally signed by Bharat D. Pandit
DN: cn=Bharat D. Pandit, o=BDP-SPS
2020.02.25 14:03:30

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO.76 OF 2020**

Mrs. Karishma Bhavesh Raut Applicant.
V/s
Mr. Bhavesh Ajit Raut Respondent.

Mr. Rajesh A. More for the Applicant.
Ms. Arpna Bhosale i/b Mr. Vijay Kurlle for the Respondent.

CORAM: NITIN W. SAMBRE, J.

DATE: FEBRUARY 25, 2021

P.C.:-

1] Applicant-wife has preferred this Application seeking transfer of H.M.P. No.481 of 2019 initiated under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights to the Family Court Pune from the Court at Vasai.

2] The ground of hardship is pressed into service so as to substantiate the prayer for transfer.

3] The learned Counsel for the non-applicant would urge that considering distance between Vasai and Pune, it is not difficult for the Applicant to travel to Vasai from Pune to attend the proceedings for

restitution of conjugal rights, as Applicant herself has withdrawn from the company of non-applicant after marriage. She would further urge that, at the most, actual travel expenses can be paid to the Applicant for attending the proceedings at Vasai Court.

4] In the aforesaid backdrop, after considering the rival submissions, in my opinion, Application can be disposed of with the following order.

5] The non-applicant/husband shall deposit an amount of Rs 15,000/- with the Court of Civil Judge, Senior Division, Vasai in pending H.M.P. No.481 of 2019. On each date when Applicant-wife physically attends the Court of Civil Judge, Senior Division, Vasai, she will be entitled to claim the amount of Rs 7,500/- on each such date. It shall be the bounden duty of the non-applicant/husband to maintain the balance of Rs 15,000/- by topping up the amount till final disposal of the said proceedings.

6] Application stands disposed of in the aforesaid terms.

(NITIN W. SAMBRE, J.)