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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 103 OF 2021

Dr. Mrs. Amolika Ashok Kunnure/
Amolika Rohit Patil

....Applicant.

V/s

Mr. Rohit Avinash Patil

.....Respondent

Mrs Madhubala P. Shetty a/w Mr. Gypson for the Applicant
Mr. R.S. Kate i/b Mr. Rupesh Zade for the Respondent.

CORAM: NITIN W. SAMBRE, J.

DATE: AUGUST 12, 2021

P.C.:-

- 1] Heard.
- 2] Following prayer is pressed on the ground of hardship:-

“34(a). That this Hon’ble Court be pleased to transfer the Hindu Marriage Petition No.A1442 of 2019 filed before the Hon’ble Family Court No.4, at Pune by Respondent against the Applicant under Section 13(1) (ia) and 13(1)(iii) of Hindu Marriage Act, 1955 for divorce on the grounds of Cruelty U/s 13(1)(ia) r/w grounds of Mental illness

U/s 13(1)(iii) to the HON'BLE Jt. Senior
Division Judge at Thane and/or other Family
Court at Thane.”

3] Admittedly, recording of evidence through Commissioner is carried out through video-conferencing and as such, Applicant is not required to attend the said proceedings physically. Merely because Applicant will be required to travel at times when her physical presence is required before the Court cannot be said to be the ground of hardship, which could be considered for ordering transfer.

4] Mr. Kate, learned Counsel for Respondent, has conceded for bearing travel expenses of the Applicant and one escort to Pune and in such an eventuality, in my opinion, Respondent can be put to condition of depositing Rs 20,000/- with Family Court, Pune in Hindu Marriage Petition No.A1442 of 2019 within a period of two weeks from today. On such date, when Applicant-wife physically attends the proceedings, she will be entitled to withdraw an amount of Rs 10,000/-.

5] In the wake of above observations, in my opinion, no case is made out for transfer. Non-applicant husband shall continue to maintain deposit of Rs 20,000/- as observed hereinabove till final disposal of the said Petition.

6] Application is accordingly disposed of.

(NITIN W. SAMBRE, J.)