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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 94 OF 2021

VISHAKHA VIVEK JADHAV

....APPLICANT

V/s.

VIVEK LAKSHMAN JADHAV

.....RESPONDENT

Mrs. Gauri S. Shah for the applicant

Mr. Freddy Bhadha a/w Anoushka Goyal for respondent

CORAM : NITIN W. SAMBRE, J.

DATE: AUGUST 24, 2021.

P.C.:

1] Applicant wife has invoked provisions of Section 24 of Code of Civil Procedure, 1908 seeking transfer of proceedings i.e. H.M.P. No. 504/2020 pending on the file of Civil Judge Senior Division, Pune to Family Court, Solapur.

2] The aforesaid proceedings are initiated by the non-applicant husband under Section 13(1)(ia) of the Hindu Marriage Act, 1955.

3] The ground of hardship is pressed relying on the circumstances viz. distance between two cities and threat to the life of the applicant.

4] Non-applicant, while countering the same would urge that situation is otherwise round as the non-applicant was assaulted by relatives and friends of the applicant-wife resulting into lodging police complaint at Solapur Police Station. He submits that he is willing to bear reasonable travel expenses.

5] Considered rival submissions.

6] There is better road as well as railway connectivity between Pune and Solapur. Non-applicant, in response to the Court's query has assured that he shall deposit an amount of Rs. 14,000/- before the Court of Civil Judge Senior Division, Pune out of which on each date when the applicant attends, she is entitled to withdraw Rs. 7000/- towards her travel and out of pocket expenses. The proposal

appears to be quite reasonable which safeguards the interest of the applicant-wife.

7] As such, application is partly allowed with following directions:

(i) Non-applicant shall maintain deposit of Rs. 14,000/- in H.M.P. No. 504/2020 pending on the file of Civil Judge Senior Division, Pune on each date when the applicant wife physically attends the proceedings.

(ii) Applicant-wife will be entitled to withdraw Rs. 7000/- towards and travel and out of pocket expenses.

8] With above observations, application stands disposed of.

[NITIN W. SAMBRE, J.]