

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

MISC. CIVIL APPLICATION NO.169 OF 2021

Smt. Kaveri w/o Kunal Rao = **APPLICANT**

VERSUS

Kunal Purushottam Rao = **RESPONDENT**

Mr.Anil P.Piratwal, Advocate for Applicant;

Mr.RR Kazi, Advocate for Respondent

CORAM : SMT. BHARATI H.DANGRE,J.

DATE : 25th January, 2022.

PER COURT :-

1. The applicant-wife seeks transfer of the proceeding filed by the respondent-husband in the form of A-482/2020 before the Family Court at Nasik to the Family Court at Aurangabad.

The ground for transfer is that the applicant has no source of income to undertake journey. Secondly she is dependent on her maternal uncle, with whom she is presently residing and third ground of transfer is pandemic situation which has grappled the whole nation.

2. Heard learned Counsel for the applicant and learned Counsel for the respondent.

(2)

3. The respondent has placed on record a Certificate issued by Director General of Indian Railways Institute of Electrical Engineering, Nasik where he is working as Senior Section Engineer/Hostel Superintendent and the said Certificate certify that he has been deputed for Essential Duties related to Overall Upkeep and management of Officers' Hostel Mess and Vehicle management of IRIEEN. His services are categorized as of essential nature which require presence on a short notice. The aforesaid Certificate dated 17.11.2021 is taken on record and it reflects that the respondent husband is holding an important post which is of essential nature and, therefore, for attending the proceedings at Family Court at Aurangabad may delay the proceedings as he may be permitted only limited leave.

Instead by taking into consideration the inconvenience caused to the applicant wife to undertake journey of about 140 kms one way, can be taken care of, since the Counsel for the respondent husband makes a categorical statement that the respondent husband shall arrange for journey expenses of applicant-wife as well as additional

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allowance, totaling Rs.1,000/- per trip, when she attends the proceedings at Family Court, Nasik. However, in case for some reasons, the applicant wife would not be able to travel back on the same day or she is required to be lodged in Nasik or on account of the proceedings being continued till late evening, if she is not able to catch the train or bus, in that case, she may be permitted to travel back by a private taxi and on submission of the taxi bill by the applicant, the respondent husband shall reimburse the said amount, on the actual bill being produced before the Family Court, the respondent undertakes to clear the bill before the next date of hearing. It is further made clear that the Family Court, Nasik shall not insist upon presence of the applicant wife on every date of hearing and will exempt her presence unless and until it is necessary for recording evidence or for the purpose of cross-examination. Barring such dates, on every date her presence shall not be insisted upon by the learned Judge of the Family Court.

In the wake of above, since the arrangement is effected between the parties as

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above, the Misc Civil Application is turned down.

4. Since the proceedings are pending before the Family Court at Nasik from the year 2020, the learned Judge of the Family Court, is requested to dispose of the said proceedings within a period of one year from today.

(SMT. BHARATI H.DANGRE,J.)

BDV