

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISC. CIVIL APPLICATION NO.268 OF 2019

Manisha Shivkumar Khogare	..Applicant
Versus	
Shivkumar Bharatrao Khogare	..Respondent

Mr. Sharad T. Bhosale, for the Applicant.
Mr. Ashwin C. Hawelkar, for the Respondent.

CORAM : NITIN W. SAMBRE, J.

DATE : 7th JANUARY, 2022

PC.

1. This is an application seeking transfer of divorce proceedings being HMP No.A-375 of 2017 on the file of Family Court Aurangabad to the Court of Learned Civil Judge Senior Division, Malshiras, District Solapur.

2. The prayer for transfer is objected on the ground that place of residence of the applicant is well connected with Aurangabad both by road and train. Counsel for the non-applicant expressed his willingness to bear expenses of Rs.1000/- towards travel expenses of the applicant for attending proceedings at Aurangabad. It is further claimed that application is not maintainable at Bombay as the proceedings are pending at Aurangabad.

3. As far as the aforesaid objections are concerned, the same are required to be overruled for the following reasons :-

a) Applicant/wife is custodian of two children of which one is minor.

b) The distance of one way between Malshiras to Aurangabad is 350 km., as such applicant is required to travel to Aurangabad with her minor child which will take two days for attending proceedings at Aurangabad.

c) As far as issue of the jurisdiction to entertain application under Section 24 of CPC at Bombay is concerned, the said issue is no more *res-integra*, same is concluded in catena of judgments by this Court as cause of action to the applicant to maintain such application at Bombay is recognize and permissible in law.

4. Travel expenses offered by the non-applicant to the applicant for attending proceedings at Aurangabad are unreasonable to meet with actual expenses.

5. It is claimed that non-applicant is medically unfit to travel particularly having regard to the Orthopedic surgery he underwent. The aforesaid submission, in my opinion, does not impress this Court to reject the prayer under Section 24 of CPC when the non-applicant is in the business of goldsmith and is

managing such business on his own which requires his physical movement.

6. That being so, it has to be inferred that applicant will suffer more hardship both financially and physically. As such, application stands allowed in terms of prayer clause (a).

[NITIN W. SAMBRE, J.]