

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.79 OF 2022

Nisha W/o Binish Kumar

..Applicant

Versus

Binish Kumar S/o Latoor Singh Verma

..Respondent

Mr. Sanjay P. Shinde, for the Applicant.

Mr. Anuj Tiwari, for the Respondent.

CORAM : NITIN W. SAMBRE, J.

DATE : 20th APRIL, 2022

PC.

1. The wife has sought transfer of proceedings initiated under Section 9 of the Hindu Marriage Act by the respondent/husband on the ground of hardship i.e. (a) she is residing at Pune; and (b) she is custodian of a minor daughter.

2. From the record, it appears that the respondent/husband and relatives are facing proceedings at Pune under the provisions of DV Act being Cri. Misc. Application No.846 of 2021.

3. The fact remains that the respondent/husband is willing to reside with the applicant and the applicant has not positively responded to the same.

4. Apart from above, the Court needs to be sensitive to the

fact that the non-applicant has offered an amount of Rs.2,500/- per day, on which the applicant attends proceedings physically.

5. That being so, the non-applicant shall deposit an amount of Rs.5,000/- in the Nashik Court where the proceedings for restitution are pending. On such date, when the applicant attends said proceedings, she will be at liberty to withdraw an amount of Rs.2,500/- towards travel and out of pocket expenses.

6. Needless to clarify that the non-applicant shall maintain deposit of Rs.5,000/- till final disposal of the said proceedings by depositing additional amount.

7. In the aforesaid background, application stands disposed of.

[NITIN W. SAMBRE, J.]