

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO.97 OF 2022**

Sau. Harsha w/o Akshay Pol

.....Applicant

V/s.

Akshay s/o Mukund Pol

....Respondent

Mr. V.R.Patil, Advocate for the Applicant.

Mr. Benny Joseph with Ms. Pallavi Kaamath i/by BJ Law Offices LLP, Advocate for the respondent.

CORAM : SANDEEP K. SHINDE, J.

RESERVED ORDER ON : 12TH OCTOBER, 2022.

PRONOUNCED ORDER ON : 18TH OCTOBER, 2022.

P.C. :

1. This application under Section 24 of the Code of Civil Procedure, 1908 seeks to transfer Divorce Petition A-128 of 2020 from the Family Court, Akola to Family Court at Mumbai. Applicant married to respondent in June, 2012 at Mumbai. They were living together at Dubai from 2013 to August, 2015, thereafter at Ahmedabad till January, 2016. Whereafter respondent was posted to Pune and both were residing together at Pune. Applicant is architect; whereas respondent is computer engineer. It appears, the temperament of the applicant and the respondent, seldom matched and, therefore, applicant started living at Mumbai, with her parents since January, 2018. Her husband filed petition for divorce in

Family Court at Akola. Applicant seeks transfer of this petition from Akola to Mumbai. The normal rule is that convenience of wife is required to be seen in the case of matrimonial cases. In this case, the only ground on which transfer sought, is long distance between Mumbai and Akola. Applicant's case is that distance between Mumbai and Akola is 800 kms. and, therefore, it is not possible for her to travel such a long distance.

2. Learned counsel appearing for the respondent submitted that the applicant withdrawn herself from the company of the respondent without reasonable cause. He argued that though the petition was filed in the year 2020, transfer is sought nearly after two years. He argued that there is no explanation for filing the petition belatedly, although she had marked her presence initially in the proceedings at Akola.

3. I have perused the application. Except saying that the distance between Mumbai and Akola is 800 kms. and further alleging that respondent may indulge in criminal acts if the applicant visits Akola, no other reasons have been pleaded in the application. Moreover, it appears that the applicant had participated in the divorce proceedings initially and the instant

application has been moved, after two years without any justification.

4. Taking overall view of the matter, it may be stated that the applicant has approached the Court in casual manner. There is no cogent and convincing reason, either pleaded or argued, for transferring the petition, from Akola to the Family Court at Mumbai. However, in view of the distance between Mumbai and Akola, respondent-husband shall pay Rs.4,000/- to the applicant on her each visit at Akola, for attending the proceedings in question, either in advance by transferring the money in her account or by Demand Draft as and when she attends the proceedings in the Family Court at Akola. Amount quantified includes to and fro charges and the lodging expenses. The learned Judge, Family Court, Akola shall ensure that the non-respondent pays Rs.4,000/- to the applicant as directed hereinabove. For all these reasons, application deserves no consideration. It is rejected.

SHAMBHAVI
NILESH
SHIVGAN

(SANDEEP K. SHINDE, J.)

Digitally signed by
SHAMBHAVI NILESH
SHIVGAN
Date: 2022.10.18
19:49:48 +0530