

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.95 OF 2022

Rajan Shreekant Ghogale

..Applicant

Versus

Radhika Rajan Ghogale

Nee Harshada Satishchandra Kelkar

..Respondent

Ms. Jenny Somaiya i/by Sangeeta S. Salvi, for the Applicant.

Mr. Amol B. Jagtap, for the Respondent.

CORAM : NITIN W. SAMBRE, J.

DATE : 28th APRIL, 2022

PC.

1. The parties hereto got married on 26th February, 2019.
2. After the matrimonial discord, the applicant/husband initiated proceeding under Section 9 of the Hindu Marriage for restitution of conjugal rights which is pending on the file of Family Court, Pune.
3. Prior to the aforesaid proceedings, Petition No.A-347 of 2020 is initiated by the non-applicant/wife under the provisions of Sections 12(1)(a) of the Hind Marriage Act for annulment of marriage, return of Streedhan and maintenance under Section 25 of the Hindu Marriage Act.
4. Husband has sought transfer of the proceedings initiated

by the non-applicant/wife being Petition No.A-347 of 2020 pending on the file of Family Court at Bandra, Mumbai to Family Court, Pune to be heard along with his petition preferred under Section 9 of the Hindu Marriage Act.

5. The prayer is on the ground that there is likelihood of overlapping of findings on the same set of facts and evidence. It is also claimed that the husband will suffer hardship, as he is in employment and hardly get leave to attend proceedings at Mumbai.

6. Counsel for the non-applicant opposed the prayer on the ground of hardship as the non-applicant will be required to travel from Mahim to Pune along with one companion. It is further claimed that if so ordered, the applicant be directed to pay travel and out of pocket expenses of Rs.10,000/- to be deposited as and when non-applicant physically attends the proceedings.

7. I have appreciated submissions.

8. In response to the Court's query, counsel for the applicant/husband has volunteered that an amount of Rs.10,000/- shall be deposited in the pending proceedings before the Family Court, Pune within a period of two weeks from today, out of which on each physical visit of the non-applicant/wife for attending said proceedings, she will be entitled to withdraw an amount of Rs.5,000/- towards travel and out of pocket expenses.

9. Applicant shall maintain deposit of Rs.10,000/- till the final disposal of the said proceedings.
10. The application as such stands allowed.
11. It is directed that Petition No.A-347 of 2020 pending on the file of Family Court at Bandra, Mumbai between *Harshada Satishchandra Kelkar Vs. Rajan Shreekant Ghogle* is ordered to be transferred to the file of Family Court, Pune to be heard with the petition preferred by the applicant/husband being Petition No.A-470 of 2020.
12. It is worth to mention that application for grant of maintenance be decided expeditiously.

[NITIN W. SAMBRE, J.]