

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

MISC. CIVIL APPLICATION NO.181 OF 2018

Mrs. Manisha Chandrakant Pote ..Applicant
Versus
Mr. Chanrakant Shashikant Pote ..Respondent

Mr. Surel S. Shah, for the Applicant.
Mr. Yogesh P. Morbale, for the Respondent.

CORAM : NITIN W. SAMBRE, J.

DATE : 18th FEBRUARY, 2022

PC.

1. I am informed that the proceedings for restitution of conjugal rights initiated by the non-applicant are already decreed against the applicant and applicant has shows her unwillingness to cohabit with the non-applicant/husband.

2. The fact remains that in the year 2016 divorce proceedings are initiated by the non-applicant, of which transfer is sought.

3. Mr. Surel Shah would urge that the transfer is justified on the ground of hardship as the applicant is custodian of two minor sons.

4. Counsel for the non-applicant consents for setting aside ex-parte order and also further assures that if so preferred within six weeks from today, the applicant's written statement shall be taken on record before the Court below. He would further assure that the proceedings at his instance can be decided expeditiously with the cooperation of the

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applicant. It is submitted that he is willing to pay travel charges of Rs.2,000/- per day, provided the applicant physically attends the proceedings.

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

6. Non-applicant shall deposit an amount of Rs.4,000/- in the pending proceeding at Ichalkaranji, out of which, applicant will be entitled to withdraw an amount of Rs.2,000/- towards travel expenses and out of pocket expenses, provided she physically attends the proceedings. Non Applicant, till the disposal of said proceedings shall maintain balance of Rs. 4000/-.

7. Further statement made by the non-applicant that he shall consent for setting aside ex-parte order and shall also permit the applicant to place on record written statement in the divorce proceedings is accepted as an undertaking.

8. Applicant shall place her written statement on the record of the Court below in divorce proceedings within a period of four weeks from today, failing which her right to place on record written statement shall cease to operate.

9. Hearing of the divorce proceedings as such is expedited.

10. Application stands disposed of in the above terms.

[NITIN W. SAMBRE, J.]