

BDP-SPS-TAC

BHARAT
DASHARATH
PANDIT

Digitally signed
by BHARAT
DASHARATH
PANDIT
Date: 2022.02.16
14:36:24 +0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO. 192 OF 2021**

Mrs. Darshna Sunny Patel

....Applicant.

V/s

Mr. Sunny Khimji Patel

.... Respondent.

Mr. Dharmendra J. Damani for the Applicant.

Mr. Abhishek Kulkarni for the Respondent.

CORAM: NITIN W. SAMBRE, J.

DATE: FEBRUARY 15, 2022

P.C.:-

1] Applicant is seeking transfer of the proceedings which were initiated after matrimonial discord. Applicant is a custodian of a daughter aged about 6 years. Transfer of the proceedings is sought from Family Court, Aurangabad to Family Court, Bandra, Mumbai on the ground of inconvenience.

2] Prayer is opposed on the ground that non-applicant husband is willing to bear travel charges of Rs 3,000/- or else it is prayed that proceedings be transferred in between Mumbai and Aurangabad i.e. either Pune or Nagar.

3] It appears that after matrimonial discord, Applicant started residing alongwith her daughter at Mumbai. Marriage is informed to

have been taken place at Mumbai and the parties have lastly resided together at Mumbai.

4] Apart from above, Applicant being a custodian of minor daughter, will be required to travel two days and also will incur out of pocket expenses, as she will have to stay entire day in Mumbai. As such, offer of Rs 3000/- towards travel expenses is unreasonable. Considering the ground of hardship which can be inferred from material on record, case of transfer is made out.

5] As such, Application is allowed in terms of prayer clause (ii). Prayer clause (ii) reads as under:-

“(ii) That the Original Petition No.A-508 of 2021, titled as Mr. Sunny Khimji Patel V/s. Mrs. Darshna Sunny Patel, pending before the HON’BLE FAMILY COURT, AURANGABAD filed by Respondent be transferred to the Hon’ble Competent Family Court at Bandra, Mumbai for the hearing/trial/final order;”

6] Application is disposed of.

(NITIN W. SAMBRE, J.)