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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
MISC. CIVIL APPLICATION NO.246 OF 2021**

|                               |                  |
|-------------------------------|------------------|
| Smt. Veena Vivek Kawalkar     | .... Applicant   |
| V/s.                          |                  |
| Dr. Vivek Shankarrao Kawalkar | ..... Respondent |

Mr. Omar K. Shaikh, Advocate for the Applicant.  
Mr. Omkar Nagwekar i/by Prabha Badadare, Advocate for the Respondent.

**CORAM : NITIN W. SAMBRE, J.**

**DATE: MARCH 23, 2022.**

**P.C.:**

- 1) Counsel for the non-applicant on instructions submits that non-applicant on each date when the applicant shall attend the proceedings before the Family Court, Amravati physically, shall pay an amount of Rs.5,000/- towards travel and out of pocket expenses.
- 2) Counsel for the applicant while resisting the aforesaid offer would urge that the applicant is staying alone in Thane and it will cause great hardship if she is made to travel to Amravati so as to

attend the proceedings which are initiated by the non-applicant – husband for dissolution of marriage under section 13 of the Hindu Marriage Act. He would further urge that the non-applicant has initiated a suit in which he has sought injunction against the applicant not to enter his house. It is further claimed that the applicant is prosecuted for an offence punishable under section 436 of the Indian Penal Code at Amravati and as such, it will not be appropriate to direct the applicant to attend that proceeding in Amravati.

3) I have considered the said submissions.

4) It appears that the non-applicant, who claims to be an Orthopedic Surgeon, is a custodian of two grown up children born out of the marriage.

5) In the aforesaid background, considering the fact that there is rare connectivity between Thane and Bombay and the non-applicant has offered reasonable amount towards travel and out of pocket expenses, I do not see any reason which warrants an order of transfer of proceedings to Thane from Amravati.

- 6) Non-applicant shall deposit an amount of Rs.10,000/- in Petition A-145/2021 (Dr. Vivek Vs. Sau. Veena Kawalkar) pending on the file of the Family Court, Amravati within two weeks from today.
- 7) On each date, when the applicant attends the said proceedings physically, the applicant will be entitled to withdraw an amount of Rs.5,000/-.
- 8) Needless to clarify that till the final disposal of the said proceedings, non-applicant shall maintain a balance of Rs.10,000/- in the said proceedings.
- 9) As such, the present application stands disposed of.

**[NITIN W. SAMBRE, J.]**