

ISM

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**MISC. CIVIL APPLICATION NO. 236 OF 2021**

SAYALI PRASHANT SURYAWANSHI

....APPLICANT

V/s.

PRASHANT SURESH SURYAWANSHI

....RESPONDENT

Mr. Bhavesh V. Magam Advocate for Applicant

Mr. Sugandh Deshmukh Advocate for Respondent

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

**DATE: MARCH 7, 2022.**

**P.C.:**

1) Learned counsel for the Applicant seeks leave to amend the prayer clause (a) as according to him, instead of Baramati he is willing to attend the proceedings before Family Court, Pune, if so ordered to be transferred.

2) Leave to amend. Amendment to be carried out forthwith.

3) Transfer of proceedings is sought by applicant-wife on the ground of inconvenience. Fact remains that non-applicant has initiated proceedings for grant of divorce/dissolution of marriage

under Section 13 of Hindu Marriage Act which are pending on the file of Family Court, Nashik.

4) Admittedly non-applicant is presently staying at Mysore, Karnataka because of his employment. Counsel for the applicant informs that instead of travelling to Nashik, it is convenient for her to travel to Pune to attend the proceedings.

5) Learned counsel for non-applicant submits that he is willing to pay travel charges if the applicant attends the proceedings at Nashik.

6) However, it is brought to my notice that proceedings under Protection of Women from Domestic Violence Act are pending at Daund Court at the behest of the Applicant of which summons are already served on the non-applicant and his mother. I am further informed that there is better connectivity between Nashik and Pune which has prompted the prayer for transfer to Pune.

7) Considering the hardship as is claimed, it will be appropriate in my opinion to order transfer of proceedings. Application is allowed in terms of prayer clause (a) subject to condition that non-applicant shall deposit amount of Rs. 5000/- in the Family Court, Pune out of

which on each date when Applicant physically attends the said proceedings, she shall be entitled to withdraw Rs. 2500/- towards travel and out of pocket expenses.

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