

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

MISC. CIVIL APPLICATION NO. 164 OF 2021

Nehal W/o Mrunal Kothari	-- Applicant
Vs.	
Mrunal S/o Jayesh Kothari	-- Non-applicant

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. V.S. Giramkar, Advocate for Applicant
Mr. Sawan Alaspurkar & Mr. Swapnil Shingane, Advocates for
Non-applicant

CORAM : MANISH PITALE, J.

DATE : 16th MARCH 2022

By this application, the applicant is seeking transfer of petition No.A-04/2020 i.e. the petition for dissolution of marriage filed by the non-applicant, to be transferred from the Family Court at Amravati to the Family Court at Nagpur.

2. The applicant is the wife while the non-applicant is the husband. They were married on 28/11/2014. There are no children from the wedlock. It appears that due to matrimonial discord between the parties, they have been living separately.

3. The applicant is residing at Amravati and doing job in a private firm while the non-applicant is having his own business at Amravati.

4. It is an admitted position that the applicant has appeared before the Family Court through an Advocate. Although the matter was directed to proceed ex-parte against the applicant, subsequently, on an application moved by the applicant, the order was recalled and the applicant has indeed filed her written statement in the aforesaid petition for dissolution of marriage pending before the Family Court at Amravati

5. On the applicant approaching this Court seeking transfer of the said petition, this Court had granted interim stay to the proceedings. Thereafter, two attempts were made for settling the dispute through mediation, but, both the attempts have failed.

6. Mr. V.S. Giramkar, learned counsel appearing for the applicant submitted that the transfer of the proceeding is sought on the ground that on every occasion that the applicant is required to visit Amravati to attend the Court proceedings, she has to forgo part of her salary in a private firm in which she is working. It is also claimed that the applicant finds it inconvenient to travel from Nagpur to Amravati to attend the Court proceedings.

7. Mr. Sawan Alaspurkar, learned counsel appearing for the non-applicant submits that the applicant is an educated independent woman, who is working in a private firm. There are no children from the wedlock. In the application before this Court itself the applicant has claimed that for every visit to Amravati, she has to bear expenses of about Rs.3,000/- and that the non-applicant has stated in the reply that he is agreeable to pay the said amount towards her expenses. On this basis, it is submitted that there is no substance in the present application and it deserves to be dismissed.

8. Heard learned counsel for rival parties and perused the material available on record. There is no dispute about the fact that there is matrimonial discord between the parties, as a consequence of which they have been living separately for a considerable period of time. It is also an admitted position that the applicant has attended the proceedings at Amravati through her Advocate and that written statement is already placed on record in the petition for dissolution of marriage.

9. The distance between Nagpur and Amravati is about 160 KM and the time taken for travel between the two places is not considerable. Apart from this, it is an admitted position that the applicant is a well educated independent woman and that she can

certainly undertake travel between Nagpur and Amravati. There are no children from the wedlock.

10. Insofar as the grounds for transfer are concerned, this Court is of the opinion that if appropriate direction is given to the non-applicant to properly compensate the applicant to meet her travel and other expenses, the grievance regarding loss of wages and inconvenience during travel can be taken care of.

11. In view of the above, this Court is of the opinion that no ground is made out for transferring the proceedings and, therefore, this application deserves to be dismissed.

12. At the same time, appropriate direction needs to be given to the non-applicant to pay specific amount towards expenses to the applicant for the dates on which she would have to travel from Nagpur to Amravati to attend the said proceedings. Accordingly, the application is dismissed.

13. The non-applicant is directed to pay an amount of Rs.3,000/- (Rs. Three Thousand) to the applicant on each date that she is required to travel from Nagpur to Amravati to attend the aforesaid proceedings before the Family Court at Amravati.

14. Looking to the age of the parties, it would be appropriate that the Family Court at Amravati disposes of the petition as expeditiously as possible.

JUDGE