

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

MISCELLANEOUS CIVIL APPLICATION NO. 307 OF 2022

Komal Hrishikesh Bhosle
cant

.. Appli-

v/s.

Hrishikesh Bhalchandra Bhosle
dent

.. Respon-

...

Mr. Rupesh A. Zade a/w Ms. Priyanka Gupta for the applicant.

Mr. Hitesh P. Vyas for the respondent.

...

CORAM : KAMAL KHATA, J.

DATED : 6TH JULY 2023.

P.C. :

1. This Miscellaneous Civil Application is for transfer of HMP No.483/2020 from Family Court Pune to Family Court at Bandra.
2. The case is that the marriage took place on 19th June 2015 at Pune. They have no issues out of wedlock. On account of marital discord, the applicant is staying separately with her parents from 2nd June 2020. It is stated that on 12th March 2021, the applicant came to reside at Vikhroli Mumbai. On 19th June 2020, HMP no.483/2020 was filed at Pune by the respondent under Section 13(1) (ia) of the Hindu Marriage

Act, 1955. On 16th December 2020 written statement has been filed. On 19th January 2021, the applicant filed her complaint at Hinjewadi under Section 498A. On 2nd August 2021, the DV application was also filed at Vikhroli Court, Mumbai.

3. Learned counsel for the applicant submits that applicant resides at Ghatkopar with her cousin brother and she cannot travel to Pune alone to attend the Court proceedings. The applicant submits that she has no source of income to maintain herself. She have to depend on companion to attend the proceedings at Pune. The distance between Pune to Bandra is 140 km and the expenses would be a huge financial burden considering the status and her situation. It is stated that the applicant has filed the Domestic Violence case. On the other hand, the respondent is well placed and has his own car and driver, no prejudiced will be caused to him.

4. The learned counsel for the respondent submits that the respondent is a Professor and is running coaching classes at Pune. Several students will suffer on account of his absence. It is submitted that he is willing to bear the expenses of travel and stay of the respondent.

5. I am of the view that the applicant who is well educated, has not made out sufficient ground to seek a transfer of this application from Pune to Bandra. Application is rejected.
6. The respondent's Advocate, on instructions, has agreed to pay the travel and stay expenses for the applicant. In view thereof, the balance of convenience will be in the interest of the respondent, and therefore, this application deserves to be dismissed. However, the respondent shall pay the applicant a sum of Rs.4000/- per trip to the applicant on the dates she attends the Court.
7. The applicant shall give her account details to the respondent in which the respondent shall deposit the amount of Rs.4000/- from the date of attending the Court, on each date she attends the Court.
8. Application is disposed of in the above terms.
9. All concerned to act on the authenticated copy of this order.

(KAMAL KHATA, J.)