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

MISCELLANEOUS CIVIL APPLICATION NO.425 OF 2022

Vasudha Gaurav Nandode	.. Applicant
v/s.	
Gaurav Sunil Nandode	..Respondent

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Mr. S.K. Dubey i/b Mr. prince Kumar V. Devey for the Applicant.
Mr. Siddhsen borulkar i/b Mr. Gaurav Nankar for the Respondent.
Ms. Vasudha Gaurav Nandode, Applicant present.
Mr. Gaurav Sunil Nandode Respondent present.

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CORAM : KAMAL KHATA, J.

DATED : 5TH JULY, 2023.

P.C. :

1. This application is for transfer of the Marriage Petition No.A-16/2022 from Family Court Jalna to Family Court Solapur under section 24 of the Code of Civil Procedure, 1908 (CPC).

2. The marriage of the applicant and the respondent was solemnized on 27th November 2020. On 24th March 2021, the respondent evicted the applicant from his residence and hence the applicant is forced to reside with her parents. On 9th February 2022, the respondent filed a Marriage Petition No. A 16 of 2022, for divorce under section 13(1) of the Hindu Marriage Act, 1955 (HMA for short) before Family

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Court, Jalna. On 7th July 2022, the applicant filed her Marriage Petition No. A 364 of 2022, for Restitution of Conjugal Rights under Section 9 of HMA at Solapur.

3. The Learned Counsel for the applicant submitted that the applicant is facing problems for attending the Court at Jalna. She would have to start her journey at 3 a.m. as there is no direct train connectivity between Solapur and Jalna and it would also entail road travel. It is submitted that the respondent has not provided any maintenance nor has offered travelling expenses to the applicant. It is submitted that the applicant's mother has been suffering from heart disease for a long time and would have to be left alone while she travels to Solapur. It is stated that the applicant is a Ph.D in Civil Engineering and has a job on contract basis at Pune. The learned counsel submits that the application be allowed.

4. The learned counsel for the respondent submitted that the applicant has given a Criminal colour to a simple matrimonial dispute. It is submitted that the applicant has filed FIR against his mother on baseless and vague allegations. It is submitted that on account of the allegations

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and the FIR filed, the respondent's mother was arrested. It is stated that she has applied for quashing of the said FIR which is pending. It is further submitted that the parents of the respondents will have to depose for the matter filed by the applicant, and they would undergo severe hardships being senior citizens and also having health issues.

5. In view of the above, I am not inclined to grant this application as the balance of convenience is not in favour of the applicant and as the respondent's aged parents will have to undergo a lot of inconvenience to travel to Jalna to give evidence.

6. The learned counsel for the respondent has, on instructions, submitted that the respondent is willing to give all traveling charges including overnight stay charges to the applicant for herself as well as any companion with whom she would choose to travel from Jalna.

7. The learned counsel for respondent has undertaken to this court to pay the applicant Rs.4,000/- for each date the applicant visits the Court. He shall deposit /transfer through electronic mode the said amount in her account on each date

on her attending the court.

8. The applicant shall give the applicant's account number so as to enable him to deposit the said amount and the respondent shall also communicate the factum of the deposit to the applicant's advocate whose number is shared with the respondent's advocate.

9. The Miscellaneous Civil Application is disposed of in the above terms.

10. All concerned to act on the authenticated copy of this order.

(KAMAL KHATA, J.)