



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

MISC.CIVIL APPLICATION NO. 52 OF 2024

MANJUSHA SHRIRAM PATKI
VERSUS
DR SHRIRAM SHRIKANT PATKI

Mr. Ravindra Wankhade h/f Mr. N. L. Jadhav, Advocate for the applicant
Mr. S. B. Patel, Advocate for the respondent

CORAM : R. M. JOSHI, J.

DATE : 19th JULY, 2024

PER COURT :-

1. This application is for transfer of H.M.P. No. A-394/2023 pending before Family Court, Aurangabad to Family Court, Pune.
2. Applicant is wife and she seeks transfer of the proceeding on the ground that the distance between Aurangabad and Pune is about 250 kms and that to come alone on each date by spending Rs.3,000/- per day is not possible for her. It is also claimed that being lady she is not in a position to travel and hence defend the proceedings filed against her, effectively.
3. Learned counsel for the applicant has placed reliance on the judgment of this Court in case of *Yogini Umesh Chivhane Versus Umesh Uttamrao Chivhane, 2004(5) Bom.C.R. 901 & Mona Aresh Goel Versus Aresh Satya Goel, 2000 DGLS(SC) 576*, to support his submission for

allowing application.

4. Learned counsel for the respondent opposed the application on the ground that the respondent is a Doctor working at Aurangabad and that he is required to attend the patients who are admitted in a intensive care unit. It is his submission that considering this responsibility it would not be possible for him to appear before the Court at Pune. It is pointed out that the applicant is also a Doctor and as per her own statement she is in temporary employment receiving at least Rs.10,000/- per month. On instructions, learned counsel for the respondent makes statement that respondent is ready to bear the expenses of Rs.3,000/- per date of appearance in person of the applicant in the Court at Aurangabad.

5. In this case both applicant and respondent are medical practitioners. It is specific case made out by the respondent that he is appointed in the hospital where he is required to look after the patients who are admitted in intensive care unit. As against this though the applicant is also a Doctor, there is no such plea put forth by her. As far as the pendency of the proceedings before the Family Court at Aurangabad is concerned, undisputedly the proceedings are filed before the Competent Court.

6. It is settled law that the proceedings from the Court having

jurisdiction where the subject matter cannot be transferred causally and unless exceptional case is made out. In the instant case the grievance of the applicant is about the expenses required to be incurred by her for appearing the proceedings at Aurangabad. The said grievance is being taken care by the voluntary statement made on behalf of the respondent would bear expenses to the extent of Rs.3,000/- per date of appearance of the applicant in person before the Family Court at Aurangabad.

7. Though it is sought to be contended on behalf of the applicant that the respondent had threatened the applicant and therefore it is not in her interest to visit Aurangabad for attending the proceedings, but except for such bald statement there is absolutely no material on record to substantiate the said allegation. This Court, therefore, is not inclined to accept this grievance.

8. Having regard to the afore stated facts, it is not a fit case to transfer H.M.P. No. A-394/2023 from Family Court at Aurangabad to Pune. Application, therefore, stands dismissed. It is however directed to the respondent to pay Rs.3,000/- per visit in person (not virtual) to the applicant for attending HMP No.A-394/2023 at Aurangabad.

(R. M. JOSHI, J.)

ssp