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3-MCA-388-2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

3 MISC. CIVIL APPLICATION NO. 388 OF 2024

Asmita Sameer Lalage

VERSUS

Sameer Dinkar Lalage

...

Ms. Vanita Haribhau Sangole, Advocate for Applicant.

Mr. Mangesh G. Patil, Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATE : 7th MARCH 2025

PC :-

1. Heard the parties.
2. This application is filed by the applicant-wife seeking transfer of Hindu Marriage Petition No.1627 of 2023 pending in the Court of learned Joint Civil Judge, Senior Division, Pune to the learned Civil Judge Senior Division, Ahmednagar.
3. It is the case of the applicant-wife that the distance between two places is about 130 k.m. One proceeding under the Domestic Violence Act filed in the year 2019 and pending in the Court at Parner where the husband is already appearing. She thus prays for transfer of the

proceeding from the Court of learned Joint Civil Judge, Senior Division, Pune to the learned Civil Judge Senior Division, Ahmednagar.

4. The learned Advocate for the Respondent-husband opposed the application. He submits that the applicant herself had filed an application in the proceedings claiming travelling expenses, that application is allowed. The distance from the place of residence of the applicant is only less than 100 k.m. and that is recorded in the order passed by the learned Court at Pune on 3rd July 2024 granting travelling expenses. He thus submits that, on the one hand, the applicant claimed travelling expenses and now is seeking proceeding to be transferred. He thus opposed the application.

5. The learned Advocate for the applicant, however, submits that though, the order was passed directing payment of travelling expenses, no such expenses are, in fact, paid to the applicant. The learned Advocate for the respondent could not make concrete statement on this aspect.

6. Considering all above, this court is inclined to allow the application. The application is therefore allowed in terms of prayer

clause (B).

7. The applicant shall not seek unnecessary adjournments. In case the Trial Court finds that the adjournments are unnecessarily sought, the Trial Court may deal with such application, so as to compensate the respondent-husband, if he personally remains present.

8. Towards condition precedent, to proceed with the matter, the Respondent-husband to show that he has deposited the travelling expenses and if not deposited, the same be deposited within four week from today.

9. With this, Application stands disposed off.

[KISHORE C. SANT, J.]