

## SUPREME COURT OF INDIA

Smt. Kalpana Deviprakash Thakar

Vs.

Dr. Deviprakash Thakar

(B Hansaria and K Venkataswami JJ.)

04.11.1996

### JUDGMENT

#### **HANSARIA, J.**

1. The petitioner has prayed for transfer of divorce proceedings pending before the Family Court, Bombay to Palanpur in the State of Gujarat.

2. Being seized with a matrimonial matter, we thought that we should make efforts to see if the parties can reconcile. For this purpose we desired appearance of both the parties- in-person. Both of them came on 29th October and we heard their views. It appears to us that reconciliation is not presently possible for one reason or the other.

3. Insofar as the prayer for transfer is concerned, we have not felt inclined to grant the same for the following reasons:-

(a) The husband-respondent is a medical practitioner and so his absence from Bombay would cause difficulty to his patients also.

(b) His old and ailing mother lives with him at Bombay who needs frequent medical check-up and constant care. (c) The witnesses in the case are principally from Bombay as would appear from the list of witnesses which was produced to us for our perusal.

(d) Petitioner-wife, has some near relations in Bombay. The petitioner, when asked about this fact, did not really deny the same. She, however, stated that they are not very close relatives and accommodation with them is insufficient. As, while coming for the trial, she would be required to stay for a day or two only at Bombay, this is not a material objection.

(e) The husband has undertaken to bear the travelling expenses of the wife as and when she would travel from Palanpur to Bombay to attend court proceedings. Let him also bear the expenditure of an escort. (f) Palanpur is well connected by train with Bombay, because of which the petitioner would not have to face much difficulty in undertaking the journey.

4. For the abovesaid reasons, the position is dismissed.