

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 190 OF 2014

Mrs. Dhanshri @ Laxmi Ajay Pol ... Applicant

Vs.

Mr. Ajay Manohar Pol ... Respondent

Mr. Balwant V. Salunkhe i/b Mr Hamid D. Mulla, Advocate for Applicant.
Mr. Vijay Killedar, Advocate for Respondent.

CORAM : R. G. KETKAR, J.
DATE : 13.04.2015

P.C. :

1. Heard Mr. Balwant Salunkhe, learned Counsel for the applicant and Mr. Vijay Killedar, learned counsel for the respondent.
2. By this application under Section 24 of the Code of Civil Procedure, 1908, the applicant-wife has sought transfer of H.M.P.No.284 of 2013 filed by the respondent-husband for divorce in the Court of Civil Judge, Senior Division, Sangli to the Court of Civil Judge, Senior Division, Malshiras, District Solapur. Mr. Salunkhe submitted that for the reasons stated in paragraph 9 of the application, proceedings pending in the Court of Civil Judge, Senior Division, Sangli deserve to be transferred to the Court of Civil Judge, Senior Division, Malshiras, District Solapur.
3. On the other hand, Mr Killedar submitted that the respondent-husband is working in Shivaji University, Kolhapur. He is not in a position to attend proceedings at Malshiras Court if the proceedings are transferred from Sangli Court to Malshiras. In other words, he submitted that it will be inconvenient for the respondent-husband to attend the proceedings at Malshiras Court.
4. I have considered the rival submissions made by the learned

counsel appearing for the parties. By order dated 30.3.2015, it was made clear that the Application will be disposed of finally at the stage of admission. In that order, statement of learned counsel for the applicant was recorded that settlement is not possible and the application will be heard on merits. In view thereof, I have heard the learned counsel for the parties for final disposal of the application.

5. For the reasons stated in paragraph 9 of the application, I am satisfied that the applicant has made out a case for transfer of the proceedings from Sangli Court to Malshiras Court, District-Solapur. In paragraph 9, the applicant has asserted that she has no separate source of income. She is residing with her parents at their mercy. She is also taking care of her daughter aged 3 years. Distance between Sangli and village Akaluj, Taluka Malshiras is about 200 kms. It will cause great hardship to the applicant to attend dates at Sangli Court by traveling more than 200 kms. The respondent has not filed reply controverting these allegations. In support of these submissions, he also relied upon the following decisions:

- a) **Anisha Sanjay Hinduja Vs Sanjay Shrichand Hinduja**, 2003 (3) *Mh.L.J.* 139;
- b) **Sumita Singh Vs. Kumar Sanjay and Anr**, AIR 2002 SC 396;
- c) **Anita Balkrishna Barge Vs. Balkrishna Sopan Barge**, 2011 (1) *Mh.L.J.* 518;
- d) **Chaya Balaji Birajdar Vs. Balaji Ishwarrao Birajdar**, 2011 (2) *Mh.L.J.* 44;
- e) **Sunita Baliram Pande Vs. Baliram Haribhau Pande**, 2012 (2) *Mh.L.J.* 143;
- f) **Vijaya Sachin Anurkar (Gurav) Vs. Sachin Vasantrao Anurkar (Gurav)**, 2012 (5) *Mh.L.J.* 721;
- g) **Sonal Prafull Wani Vs. Prafull Sadashiv Wani**, 2012 (5) *Mh.L.J.* 797; and
- h) **Shreya Prashant Agale Vs. Prashant Prakash Agale**, 2012(5) *Mh.L.J.* 943.

6. As noted earlier, though the sole respondent is duly served, none appears on his behalf. No affidavit in opposition is filed. For the reasons stated in paragraph 9 of the application, which are not controverted and in the light of decisions referred to above, I am satisfied that the applicant has made out a case for granting relief in terms of prayer clause (a). Hence, Miscellaneous Civil Application is allowed in terms of prayer clause (a), with no order as to costs.

7. Proceedings of Hindu Marriage Petition No.284 of 2013 instituted by the respondent in the Court of Civil Judge, Senior Division, Sangli shall stand transferred to the Court of Civil Judge, Senior Division, Malsiras, Dist. Solapur. As the respondent has not entered appearance, after the transfer of the proceedings the learned Judge will issue notice to the respondent and thereafter proceed with the matter in accordance with law.

8. All the parties including the learned Civil Judge, Senior Division, Sangli will act upon the authenticated copy of this order and shall transmit Record and proceedings of H.M.P. No.,284 of 2013 to the Court of Civil Judge, Senior Division, Malsiras, District Solapur forthwith.

(R. G. KETKAR, J.)