

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 119 OF 2014

Mrs. Supriya Amol Kadam
: V/S :
Mr. Amol Shankar Kadam

.....Appellant

.....Respondent

* * * * *

Mr. Sachin K. Hande, Advocate for the appellant.

Coram :- Smt. R.P. SondurBaldota, J.

3rd February, 2015.

P.C. :-

1). This application is filed under Section 24 Civil Procedure Code for transfer of Marriage Petition No. 324 of 2014 pending in the Court of Civil Judge Senior Division, Pune to the Court of Civil Judge Senior Division, Sangli. The respondent, husband has filed petition for divorce on the ground of desertion. The applicant seeks transfer of the proceedings on the grounds of (i) distance of 270 kms between Pune and Sangli, (ii) financial incapacity and (iii) pendency of proceedings filed by the applicant under the Protection of Women from Domestic Violence Act, 2005 (Domestic Violence Act) in the Court at Sangli. It is argued that, since the respondent, in any case, has to visit Sangli for attending to

the proceedings under the Domestic Violence Act, he can also attend the proceedings for divorce, if transferred at Sangli.

2). The distance between Pune and Sangli cannot be said to be much. Also, there are several modes of conveyance available to travel the distance. As regards the financial incapacity, the applicant is entitled for and can apply for travel expenses from the respondent. Coming to the proceedings filed by the applicant in the Court at Sangli, the same is subsequent in point of time. Besides, witnesses required to be examined by the respondent in divorce proceedings would be available at Pune where the parties had set up their matrimonial home. In the circumstances, there is no case made out for transfer. The application is dismissed.

(SMT. R.P. SONDURBALDOTA, J)