

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.35 OF 2014

MRS.SHUBHANGI SUSHILKUMAR SALUNKHE)...APPLICANT

V/s.

SHRI SUSHILKUMAR BHIKOBAL SALUNKHE)...RESPONDENT

Mr.J. Shekhar i/b. J.Shekhar & Co., Advocate for the Applicant.

Respondent absent.

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

Date : 8th January, 2015.

P.C. :

1 Liberty to amend Prayer Clause (b) of the application granted. The amendments to be carried out forthwith.

2 This application is for transfer of Miscellaneous Civil Application No.117 of 2013 filed by the respondent husband in the court of District Judge, Kalyan, to the District court, Pune. Notice of the application has been served upon the respondent. He is absent, despite service.

3 Mr.J.Shekhar, the learned advocate appearing for the applicant, submits that the applicant has been, since the year 2009, residing at Pune, at her parents' place, and has filed the Marriage Petition No.905 of 2009 for divorce in the court at Pune. Copy of the Marriage Petition has been served upon the respondent and he has been attending to the same at Pune. Four years thereafter, the respondent filed the Miscellaneous Application for custody of the child in the court of District Judge, Kalyan. Notice of these proceedings have been served upon the applicant. According to the applicant, filing of the proceedings at Kalyan for custody, is nothing, but an act of harassment at the hands of the respondent. Mr.Shekhar states that there were already interim proceedings filed in the petition for divorce, relating to the custody of the child and access to it. Therefore, filing of the proceedings at Kalyan, was unnecessary. He also submits that the applicant is a school teacher and it would be difficult for her to attend to Kalyan court on every date of the application, and also carry the child each time.

4 The petition filed for divorce by the applicant is earlier in point of time. It has been pending for about 4 years and the respondent has been attending to the same. Considering the difficulty of the applicant, it is desirable that the application filed by the respondent is transferred to the court at Pune. Hence, the application is allowed in terms of Prayer Clause (b).

(Smt.R.P.SondurBaldota, J.)