

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISC. CIVIL APPLICATION NO.79 OF 2015

Smt.Pallavi Sachin Sonavane .. Applicant

Vs.

Mr.Sachin Shantaram Sonavane .. Respondent

Ms.Vaishali Jagdale for the applicant

Mr.Tushar Sonawane for the respondent

CORAM : K.K.TATED, J.
DATED : 21/10/2015

PC:

1 Heard the learned counsel for the parties.

2 This application is preferred by wife under section 24 of the Civil Procedure Code, 1908 for transfer of Petition No.2902 of 2014 filed by respondent husband under section 9 of the Hindu Marriage Act, 1955 in the Family Court at Bandra, Mumbai to the Civil Judge, Senior Division Kopargaon, Dist.Ahmednagar.

3 The learned counsel for the applicant submits that at present applicant is residing at Kopargaon along with her parents. She submits that daughter of applicant is three years old and she is going in play school. She submits that the applicant is the only person to take care

of her daughter. She submits that the parents of the applicants are poor and the father of applicant is paralyzed and is bedridden. Counsel for the applicant submits that applicants only brother is in Indian Army Service since January, 2008 and therefore, it is very difficult for him to accompany the applicant to attend the matter at Bandra, Mumbai on each and every date. The learned counsel for the applicant submits that applicant also filed Criminal Case No.541 of 2014 at Kopergaon and same is pending for hearing and final disposal on its own merits.

4 Advocate for the applicant submits that considering the fact that applicant has to take care of minor daughter of three years and there is no one in her family at Kopergaon to accompany her for attending the petition filed by respondent husband at Bandra, Mumbai, in the interest of Justice, this Hon'ble Court be pleased to transfer petition filed by respondent to Civil Judge, Senior Division, Kopergaon for hearing and final disposal on its own merits.

5 On the other hand, the learned counsel for the respondent husband vehemently opposed the present application. He submits that applicant has not shown sufficient cause for allowing the present application to transfer the petition filed by husband at Family Court at Bandra, Mumbai to Civil Judge, Senior Division, Kopergaon. He further submits that if matter is transferred from one place to other place, there may be delay in deciding the same. Hence, application filed by the applicant wife requires to be dismissed with costs.

6 I have heard the both the counsel at length. Considering the fact that applicant has three years old daughter, her father is not keeping

well and matter filed by the applicant under Protection of Women from Domestic Violence Act, 2005 is also pending at Kopargaon, I am of the opinion that the applicant has made out a case for allowing the present application. Hence, following order is passed:

- a) Office of the Family Court at Bandra, Mumai is directed to transfer petition No.2902 of 2014 filed by Sachin Shantaram Sonavane under section 9 of the Hindu Marriage Act, 1955 to the office of Civil Judge, Senior Division, Kopargaon for hearing and final disposal on its own merits.
- b) Misc. Civil Application stands disposed of accordingly.

(K.K.TATED, J.)