

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

MISC. CIVIL APPLICATION NO.92 OF 2015

Komal Sameer Dusane	.. Applicant
V/s	
Sameer Ratnakar Dusane	.. Respondent

Mrs. Shilpa Talhar for the Applicant.
Mr. Harshad Bhadbhade for the Respondent.

CORAM : K.K.TATED, J.
DATED : 15 SEPTEMBER 2015

P.C. :

. Heard the learned Counsel for the parties.

2 This application is filed by Applicant-wife for transfer of the Marriage Petition No.793 of 2014 u/s 13(1)(ia) of the Hindu Marriage Act filed by the Respondent-husband in Family Court at Pune to the Family Court at Thane.

3 The learned Counsel appearing for the Applicant submits that at present the Applicant is staying with her brother at Thane. He submits that she has no independent source of income. He submits that the Applicant has 3 ½ years old daughter. He submits

that the Applicant as well as her daughter are staying at Thane at the mercy of her brother. He submits that it is difficult for the Applicant to attend the court proceedings on each and every date at Pune in Marriage Petition filed by the Respondent-husband.

4 The learned Counsel for the Applicant submits that Applicant filed Criminal Misc. Application No.69 of 2014 under the provisions of the Protection of Women from Domestic Violence Act, 2005 before Judicial Magistrate, First Class at Thane. He submits that in the interest of justice, the Marriage Petition filed by the Respondent-husband at Pune be transferred to the Family Court at Thane for hearing on its own merits.

5 The learned Counsel appearing on behalf of the Respondent-husband vehemently opposed the present application. He submits that the Respondent-husband is ready and willing to pay to the Applicant the expenses for traveling from Thane to Pune. He further submits that the distance between Pune and Thane is merely 150 K.M. Hence, no ground is made out by the Applicant to entertain the present application.

6 I heard both the sides at length.

7 In the present proceedings, the Applicant have to
maintain her 3 ½ years child, who is school going. Apart from that
she is residing at Thane at the mercy of her brother.

8 The Apex Court in the matter of **Pratibha Khema Vs. Sanjay Kumar Khemka 2005(2) LJ Soft SC 19** held that at the time of deciding the application u/s 24 of the Code of Civil Procedure for transfer of divorce petition from one place to another place, the convenience of a lady has to be kept in mind. Our High Court in the matter of **Megha Madan Nayak Vs. Madan Nayak 2013(4) BCR 211**, held that the convenience of the Applicant-wife which is required to be looked into at the time of deciding the application under Section 24 of the Code of Civil Procedure for transfer of divorce petition from one place to another place.

9 Considering the law laid down by the Apex Court and our High Court and the reasons disclosed by the Applicant in paragraph-7 of the Application, I am satisfied that the Applicant has made out a case for allowing this application. Hence, the following

order.

: O R D E R :

(A) Hindu Marriage Petition No.793 of 2014 filed by the Respondent-husband u/s 13(1)(ia) of Hindu Marriage Act in the Family Court at Pune is transferred to the Family Court at Thane for hearing and final disposal on its own merits.

(B) The Family Court at Pune is directed to transfer the Marriage Petition No.793 of 2014 to the Family Court at Thane immediately.

(C) The Misc. Civil Application is disposed of accordingly.

(K.K.TATED, J.)

C E R T I F I C A T E

Certified to be true and correct copy of the original signed order.