

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

MISC. CIVIL APPLICATION NO.102 OF 2014

Mrs.Raavi Rahul Jadhav

.. Applicant

Vs.

Shri Rahul A. Jadhav

.. Respondent

Mr.K.H.Hase for the applicant

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

PC:

1 Heard the learned counsel for the applicant.

2 Though respondent was duly served, no one appeared on behalf of him when the matter was called out.

3 This application is preferred by wife under section 24 of the Civil Procedure Code, 1908 for transfer of Marriage Petition No.600 of 2013 filed by respondent husband under section 13 (1)(ia) of the Hindu Marriage Act for divorce before the Civil Judge, Senior Division Kalyan to Civil Judge, Senior Division at Oras Dist.Sindhudurg for hearing and final disposal on its own merits.

4 The learned counsel for the applicant submits that the applicant has three years daughter. He submits that the distance between Village

Kalmath, Gosaviwadi, Tal. Kankavli, Dist – Sindhudurg where applicant is residing along with her minor daughter to Kalyan is more than 500 kms. He submits that at present applicant is residing with her parents at Village Kalmath, Gosaviwadi, Tal. Kankavli, Dist – Sindhudurg. He submits that applicant is household wife. She does not have any source of income. Hence, it is very difficult for the applicant to spend amount on transportation from Tal. Kankavli, Dist – Sindhudurg to Kalyan for attending Divorce Petition filed by respondent husband. He further submits that applicant also filed application being Misc.Application No.50 of 2013 under section 125 of the Cr.P.C. for maintenance before the Magistrate, Family Court, Kankavli. He submits that in that matter, the respondent husband filed appearance and he is attending the said matter.

5 The learned counsel for the applicant submits that as per his instruction, in a petition filed by respondent husband for divorce, the Civil Judge, Senior Division Kalyan has not framed any issues till today. He submits that in the interest of justice, this Hon'ble Court be pleased to transfer the Divorce Petition filed by husband at Kalyan to Civil Judge, Senior Division at Oras for hearing and final disposal on its own merits. He submits that if present application is not allowed, irreparable loss and injury will be caused to the applicant because it is impossible for the applicant to travel for more than 500 kms. along with 3 years child for attending the Divorce Petition at Kalyan.

6 I have heard the learned counsel for the applicant at length. Though respondent is duly served no one appeared on behalf of him when the matter was called out. This itself shows that the respondent

husband is not interested to oppose the present application. Apart from that considering the fact that the distance between Tal. Kankavli, Dist – Sindhudurg to Kalyan is more than 500 kms., applicant has to look after her minor child of 3 years old and at present she does not have any source of income, I am of the opinion that applicant has made out a case for allowing this application. Hence, following order is passed:

- a) Office of the Civil Judge, Senior Division Kalyan is directed to transfer Marriage Petition No.600 of 2013 filed by Rahul Arvind Jadhav under section 13 (1)(ia) of the Hindu Marriage Act to Civil Judge, Senior Division at Oras Dist.Sindhudurg for hearing and final disposal on its own merits.
- b) Misc. Civil Application stands disposed of accordingly.

(K.K.TATED, J.)