

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

MISCELLANEOUS CIVIL APPLICATION NO.88 OF 2014

Mrs.Supriya Swapnil Chavan .. Applicant

Vs.

Dr.Swapnil Arvind Chavan .. Respondent

Mr.Mahindra Balasaheb Deshmukh for the applicant

Mr.N.Y.Chavan for the respondent

**CORAM : K.K.TATED, J.
DATED : 02/09/2015**

PC:

1 Heard the learned counsel for the parties.

2 This application is preferred by wife under section 24 of the Code of Civil Procedure, 1908 for transfer of Hindu Marriage Petition No.121 of 2013 filed by respondent husband under section 9 of 2013 of Hindu Marriage Act, 1955 in the court of Civil Judge, Senior Division Gadhinglaj.

3 The learned counsel for the applicant submits that it is very difficult for the applicant to attend each and every date of hearing at Gadhinglaj. Advocate for the applicant submits that applicant is leaving at the mercy of her parents without any economical support to the applicant and her daughter who is three years old. He further

submits that the distance from Sangli to Gadhinglaj is about 150 kms. He submits that to attend each and every date at Gadhinglaj, applicant has to travel more than 300 kms. that also, along with her small baby of three years. He further submits that as on today, applicant is unemployed and does not have any source of income. He submits that in the interest of justice this Hon'ble Court be pleased to transfer H.M.P No.121 of 2013 filed by respondent husband in the court of Civil Judge, Senior Division Gadhinglaj to Sangli for hearing on its own merits. In support of this contention, the learned counsel for the applicant relies on the judgment of this court in the matter of Mangal Ambadas Gaikwad vs. Ambadas Kachru Gaikwad & Anr., 2013(1) BCR 128.

4 On the other hand, the learned counsel for the respondent submits that they have no objection to transfer H.M.P No.121 of 2013 filed by them in the court of Gadhinglaj to the court at Sangli. He submits that this Hon'ble Court be pleased to direct the court at Sangli to hear both the petitions as early as possible but within stipulated time.

5 Considering the submissions made by the learned counsel for the Applicant and the averments made in the paragraph 6 of the Application and as advocate for respondent has given no objection for allowing this application, following order is passed:

- a) H.M.PNo.121 of 2013 filed by respondent husband on the file of Civil Judge, Senior Division at Gadhinglaj is transferred to Civil Judge, Senior Division at Sangli.

b) This court expects that Sangli court to decide H.M.P No.121 of 2013 with H.M.P No.300 of 2013 filed by applicant as early as possible but in any case within 9 months from the receipt of copy of this order.

c) Parties to appear before Civil Judge, Senior Division at Sangli on 28.9.2015 for fixing date of hearing.

Parties to act on authenticated copy of this order.

(K.K.TATED, J.)