

**FARAD CONTINUATION SHEET  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.  
CIVIL APPELLATE JURISDICTION.**

**MISC. CIVIL APPLICATION NO. 123 OF 2015**

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| Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders | Court's or Judge's orders |
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Mr. Nagesh Chavan for the applicant.  
None for the respondent.

**CORAM : K. K. TATED, J.  
DATED : 12/10/2015.**

**PC.:**

. Heard learned Counsel for the applicant.

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

3 This application is preferred by wife under Section 24 of Code of Civil Procedure, 1908 for transfer of divorce petition bearing no. 1045 of 2014 pending before the learned Family Court at Pune to the Court at Civil Judge, Senior Division, Sangli for hearing on its own merits.

4 The learned Counsel for the applicant submits that the applicant wife filed Hindu Marriage Petition No. 88 of 2014 under Section 9 of Hindu Marriage Act for restitution of Conjugal rights before Civil Judge, Senior Division, Sangli on 06.02.2014. In that, the respondent husband appeared and filed his

written statement to oppose the same. He submits that subsequently the respondent husband filed divorce petition bearing no. 1045 of 2014 under Section 13 (1), (ia) (ib) of Hindu Marriage Act, 1955 for divorce.

5 The learned Counsel for the applicant submits that distance between Miraj and Pune is more than 200 kms. He submits that applicant has minor daughter aged 3 years old. He submits that it is very difficult for applicant to travel from Miraj to Pune for attending each and every date along with her minor daughter. He submits that at present the applicant is residing with her parents at Miraj. She does not has any source of income. He submits that in the interest of justice, this Hon'ble Court be pleased to transfer the divorce petition bearing no. 1045 of 2014 filed by the respondent husband before the Family Court at Pune to the Court at Civil Judge, Senior Division, Sangli for hearing on its own merits. He submits that if application is not allowed, irreparable loss will be caused to the applicant.

6 I heard learned Counsel for the applicant at length. In the present proceeding, there is no dispute that the applicant wife initially filed application bearing Hindu Marriage Petition No. 88 of 2014 under Section 9 of Hindu Marriage Act, for restitution of conjugal rights on 06.02.2014.

Thereafter, the respondent husband filed divorce petition on 15.09.2015. The applicant has minor daughter aged about 3 years. The distance between Miraj and Pune is more than 200 kms one way. It is very difficult for a lady to travel for more than 200 kms along with minor child and to attend the Court thereafter.

7 Considering these facts and reasons disclosed by the applicant in application, I am satisfied that applicant has made out a case for allowing Misc. Civil Application.

8 Hence, following order.

i) Misc. Civil Application is allowed in terms of prayer clause (a) which reads thus:

*“a) This Hon'ble Court may be pleased to transfer the Divorce Petition bearing No. 1045 of 2014 pending before the Id. Family Court at Pune to the Court of Civil Judge, Senior Division, Sangli, District. Sangli and be pleased to tag the same with the HMP No. 88 of 2014 pending before the Civil Judge, Senior Division, Sangli District Sangli.”*

ii) Misc. Civil Application stands disposed of accordingly.

**(K.K.TATED, J.)**