

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

MISC. CIVIL APPLICATION NO. 124 OF 2015

Mrs. Sahana Suryakant Kamath	... Applicant
V/s.	
Mr. Suryakant Umesh Kamath	... Respondent

Mrs. Neeta Karnik for the applicant.
None for the respondent.

**CORAM : K. K. TATED, J.
DATED : 19/10/2015.**

PC.:

. Heard learned Counsel for the applicant.

2 None for the respondent, though duly served.

3 This application is preferred by wife under Section 24 of Civil Procedure Code, 1908 for transfer of divorce petition bearing PA-240/2015 filed by respondent husband under Section 13(1)(ia) of Hindu Marriage Act, 1955 before the Family Court at Pune to Civil Judge, Senior Division at Vasai District: Thane.

4 The learned Counsel for the applicant submits that the applicant has also filed divorce petition bearing Marriage Petition No. 63 of 2015 in the Court of Civil Judge, Senior Division, at Vasai under Section 13 of H. M. Act. She submits that the applicant is only child of her parents. Her parents are old and are in financial difficulties. She submits that it is very difficult for the applicant to attend each and every date of the divorce petition filed by the respondent husband in

Family Court at Pune. She submits that applicant has to travel for more than 4 hours to reach at Pune. She submits that applicant is residing far away from Vasai station. She submits that for reaching Puna, first she has to go to Dadar and from Dadar she gets train for Pune. She submits that applicant is household wife. She is not earning anything. Hence, in the interest of justice, the petition filed by respondent husband for divorce at Pune be transferred to the Court at Vasai Dist. Thane.

5 Considering the submissions made by the learned Counsel for the applicant, averments made in paragraph 13 of the Miscellaneous Civil Application and as divorce petition filed by the applicant wife bearing Marriage Petition No. 63 of 2015, pending before the Civil Judge, Senior Division, Vasai, I am of the opinion that applicant has made out case for allowing this application.

6 Hence, following order.

a) Office of the Family Court at Pune is directed to transfer papers and proceeding of divorce petition bearing no. PA-240/2015 filed by Suryakant Umesh Kamath under Section 13(1)(ia) of the Hindu Marriage Act, 1955 to the office of Civil Judge, Senior Division, Vasai, District Thane for hearing and final disposal on its own merits.

b) Miscellaneous Civil Application is allowed accordingly.

(K.K.TATED, J.)