

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO.197 OF 2014

Amruta Gulab Keskar ... Applicant
Vs.
Gulab Bapurao Keskar ... Respondent

Ms Manjiri S. Parasnis for Applicant.

CORAM : R. G. KETKAR, J.
DATE : MARCH 17, 2015

P.C. :

Heard Ms Parasnis, learned Counsel for applicant. None appears for the respondent despite service. Leave to amend so as to correct prayer clauses (a) and (b) is granted for substituting 'H.M.P.No.35 of 2012' by 'H.M.P.No.36 of 2012'. Amendment shall be carried out forthwith.

2. By this application under Section 24 of the Code of Civil Procedure, 1908, the applicant-wife has sought transfer of Hindu Marriage Petition No.36 of 2012 filed by the respondent-husband on or about 09.05.2013 under Section 13(1)(i-a) of the Hindu Marriage Act, 1955 (for short 'Act') in the Court of Civil Judge, Senior Division, Satara to the Court of Civil Judge, Senior Division, Baramati. She submitted that the respondent stays in Village Phaltan, which is near to Baramati than Satara. The distance between Phaltan and Baramati can be covered in 38 minutes. As against this, the distance between Phaltan and Satara can be covered in 1 and 1 ½ hours time. She further submitted that applicant is looking after her 3 ½ years son born out of the wedlock. Minor son is studying in Junior K.G. The applicant is depending on her parents and is not gainfully employed. She further submitted that distance between Baramati and Satara is about 109 Kms. For the

reasons stated in paragraphs 4 to 7 of the application, she prayed for allowing this application in terms of prayer clause (a).

3. After considering the submissions advanced by Ms Parasnis as also for grounds set out in paragraphs 4 to 7 of the application, I am satisfied that the applicant has made out the case for granting relief in terms of prayer clause (a). Hence, application is allowed in terms of prayer clause (a). Proceedings of H.M.P. No.36 of 2012 instituted by the respondent in the Court of Civil Judge, Senior Division, Satara shall stand transferred to the Court of Civil Judge, Senior Division, Baramati. All the parties including the learned Civil Judge, Senior Division, Satara will act upon authenticated copy of this order and shall transmit the records and proceedings of H.M.P. No.36 of 2012 to the Court of Civil Judge, Senior Division, Baramati. Since the respondent has not appeared before this Court despite service, the learned Civil Judge, Senior Division, Baramati will issue notice to the respondent herein and thereafter proceed with the matter in accordance with law.

(R. G. KETKAR, J.)

Minal Parab