

Mrs.Anita Ashok Ranjwan ... Applicant

Mr.Ashok S. Ranjwan ... Respondent

CORAM : R. G. KETKAR, J.
DATE : 20/04/2015

1. Heard Mr. Padmakar Garad, learned Counsel for applicant.
2. By this application under Section 24 of the Code of Civil Procedure, 1908, the applicant-wife has sought transfer of H.M.P. No.53 of 2013 filed by the respondent-husband in the Court of Civil Judge, Senior Division, Majalgaon, Dist-Beed, to Family Court at Bandra, Mumbai.
3. In support of this application, Mr. Garad submitted that the applicant is residing along with her mother. She is a house wife and has no source of income. She is finding it difficult to maintain herself and is fully dependent on her mother. The applicant's father expired on 15.12.1987. He further submitted that there is no male member in the family and the distance between Bhandup where the applicant is residing, and Majalgaon, is about 450 kms. He further submitted that the applicant has instituted proceedings under the provisions of the

Protection of Women from Domestic Violence Act, 2005 in 53rd Court of Metropolitan Magistrate, Mulund, where the respondent is attending. He, therefore, submitted that this is a fit case for transferring proceedings from Majalgaon to Family Court Bandra, Mumbai.

4. In support of these submissions, he also relied upon the following decisions:

- a) **Anisha Sanjay Hinduja Vs Sanjay Shrichand Hinduja, 2003 (3) Mh.L.J.139;**
- b) **Sumita Singh Vs. Kumar Sanjay and Anr, AIR 2002 SC 396;**
- c) **Anita Balkrishna Barge Vs. Balkrishna Sopan Barge, 2011 (1) Mh.L.J. 518;**
- d) **Chaya Balaji Birajdar Vs. Balaji Ishwarrao Birajdar, 2011 (2) Mh.L.J. 44;**
- e) **Sunita Baliram Pande Vs. Baliram Haribhau Pande, 2012 (2) Mh.L.J. 143;**
- f) **Vijaya Sachin Anurkar (Gurav) Vs. Sachin Vasantrao Anurkar (Gurav), 2012 (5) Mh.L.J. 721;**
- g) **Sonal Prafull Wani Vs. Prafull Sadashiv Wani, 2012 (5) Mh.L.J. 797; and**
- h) **Shreya Prashant Agale Vs. Prashant Prakash Agale, 2012(5) Mh.L.J. 943.**

5. By order dated 23.3.2015, notice was issued to the respondent. Notice was to indicate that subject to time constraint and the convenience of the Court, Application will be disposed of finally at the stage of admission. Notice further indicated that despite service, if respondent does not appear, the Court will proceed to decide the application on its own merits. Office remark shows that the notice issued to the respondent is duly served. Despite service, the respondent has neither entered appearance nor filed reply opposing the application.

6. In view thereof and for the reasons stated in paragraph 26 to 29 which are not controverted and in the light of the decisions referred to above, I am satisfied that the applicant has made out a case for transfer. In view thereof, Miscellaneous Civil Application is allowed in terms of prayer clause (a) with no order as to costs.

7. Proceedings of H.M.P. No.52 of 2013 pending before the learned Civil Judge, Sr.Dn., Majalgaon, district-Beed shall stand transferred to Family Court at Bandra, Mumbai. Since the respondent has not entered appearance, after transfer of the proceedings the Family Court at Bandra, Mumbai will issue notice to the respondent herein and thereafter proceed with the matter on its own merits.

All the parties including the learned Civil Judge, Senior Division, Majalgaon will act upon the authenticated copy of this order and shall transmit Record and proceedings of H.M.P. No.53 of 2013 to the Family Court at Bandra, Mumbai.

(R. G. KETKAR, J.)