

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

MISC.CIVIL APPLICATION NO.228 OF 2014

Mrs.Shilpa Vinayak Sonawane .. Applicant

Vs.

Shri Vinayak Somnath Sonawane .. Respondent

Ms.Deepali Kamble with Mr.Prakash B. Kadam for the applicant

None for the respondent

CORAM : K.K.TATED, J.
DATED : 07/09/2015

PC:

- 1 Heard the learned counsel for the applicant.
- 2 Though the respondent is duly served, no one appeared on behalf of them when the matter was called out.
- 3 This application is preferred by wife under section 24 of the Code of Civil Procedure, 1908 for transfer of Divorce Petition No.19 of 2014 filed by respondent husband under section 13(1)(i-a) and (i-b) of the Hindu Marriage Act, 1955 for divorce before the Family Court at Nasik to the learned Civil Judge, Senior Division, Shahada, Dist.Nandurbar.
- 4 The learned counsel for the applicant submits that at present,

applicant is residing at Shahada along with her parents. She submits that applicant's mother is not keeping well. Therefore, it is not possible for her father to accompany her on each date to attend the matter at Nasik. She further submits that the distance between Shahada and Nasik is more than 280 kms. She submits that it is very difficult for the applicant to travel for more than 8/10 hours to attend the matter at Nasik. She further submits that the applicant's financial position is not so strong that she can afford travel of more than 280 kms. on each and every date to attend the matter at Nasik.

5 The learned counsel for the applicant submits that applicant also filed the petition bearing H.M.P. No. 12 of 2014 for restitution of conjugal rights at Shahada. Same is pending for hearing and final disposal on its own merits. She submits that if the petition filed by the respondent husband at Nasik is transferred to the court at Shahada both the petitions can be disposed of simultaneously. She further submits that in the interest of justice, this Hon'ble Court be pleased to allow the present Miscellaneous Civil Application and transfer Divorce Petition filed by respondent husband at Nasik to the court at Shahada Tal. Shahada Dist. Nandurbar.

6 I have heard the learned counsel for the applicant at length. Considering the distance between Nasik and Shahada which is more than 280 ksm and as it is not possible for the applicant to attend each and every date at Nasik, I am of the opinion that applicant has made out a case for allowing this Misc. Civil Application. Hence, following order is passed:

- a) Family Court at Nasik is directed to transfer the

Divorce Petition bearing No.19 of 2014 filed by respondent husband Vinayak Somnath Sonavane under section 13(1)(i-a) and (i-b) of the Hindu Marriage Act, 1955 to the court at Shahada, Taluka Shahada, Dist.Nandurbar for hearing and final disposal on its own merits.

b) This court expects from the court at Shahada to decide both the petitions filed by wife as well as husband together if it is possible.

c) Miscellaneous Civil Application is disposed of accordingly.

(K.K.TATED, J.)

CERTIFICATE

Certified to be true and correct copy of the original signed order.