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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.182 OF 2015

Gayatri A. Kadam

...Applicant

V/s.

Aniket A. Kadam

...Respondent

Mr.Sachin K. Hande for the Applicant.

None for the Respondent.

CORAM : R.D. DHANUKA, J.

DATE : 4TH FEBRUARY, 2016.

P.C. :-

1. By this application filed under section 24 of the Code of Civil Procedure, 1908, the applicant wife seeks transfer of Petition No.830 of 2015, which is filed by the respondent in the Family Court, Pune to the Court of Civil Judge, Senior Judge, Sangli and seeks stay of the proceedings filed by the respondent at Pune.

2. It is the case of the applicant that the applicant has been staying with her old parents at Tasgaon, Sangli and the distance between Tasgaon and Pune is about 270 K.M. The applicant has already filed a petition for divorce against the respondent in the Court of Civil Judge, Senior Judge, Sangli. After filing of the said petition, the respondent has filed two proceedings *inter-alia* praying for divorce

against the applicant in the Family Court, Pune. The applicant is not employed and totally depends upon her parents.

3. Though the respondent has been served, none appeared for the respondent. No affidavit in reply has been filed. Thus the averments in the miscellaneous civil application are deemed to have been admitted. The proceedings filed by the applicant for divorce against the respondent are already pending to the Court of Civil Judge, Senior Judge, Sangli. The summons has been already issued upon the respondent by the learned Civil Judge, Senior Judge, Sangli. The respondent is appearing in those proceedings through her mother, and also an advocate. Since the applicant is not employed and is staying with her old parents and the distance between Sangli and Pune being 270 K.M., in my view the applicant has made out a case for transfer of Petition No.830 of 2015 from the Family Court, Pune to the Court of Civil Judge, Senior Judge, Sangli.

4. I therefore, pass the following order :-

- i). Miscellaneous Civil Application No.182 of 2015 is made absolute in terms of prayer clause (a). The Family Court, Pune is directed to transmit the papers and proceedings of Petition No.830 of 2015 to the Court of Civil Judge, Senior Judge, Sangli expeditiously.
- ii). Since the proceedings filed by the applicant against the respondent are pending before the same Court, the applicant can

apply for clubbing all three proceedings together before the learned Civil Judge, Senior Judge, Sangli.

5. The Miscellaneous Civil Application is accordingly disposed of in aforesaid terms. No order as to costs.

(R.D. DHANUKA, J.)