

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.60 OF 2016

Sou. Radhika Vipul Raut

.. Applicant

-Versus-

Vipul Ramdas Raut

..Respondent

Mr. Shriram Chaudhari for applicant

None for respondent.

CORAM : R.D.DHANUKA, J.

DATE : 18th October 2016.

P.C.

1] Learned Counsel for the applicant states that the respondent has been served by way of private service in pursuance to the liberty granted by this Court by order dated 29th March 2016. He has already filed affidavit of service in office on 22nd July 2016. The affidavit has been numbered as 7169 of 2016. The statement is accepted.

2] None appears for respondent. No affidavit in reply is filed . By this application, the applicant seeks to transfer the proceedings in Hindu Marriage Petition No.197 of 2015 filed by the respondent in the court of Civil Judge, Senior Division, Barshi, Solapur to the Court of Civil Judge, Senior Division, Pandharpur Dist. Solapur.

3] The applicant and the respondent got married on 6th December 2007 and were residing at the matrimonial home at Jeur, Taluka Karmala, Dist. Solapur.. It was the case of the applicant that the applicant was ill-treated by respondent and her life was made miserable. There are two children, one is of six years and other is four years, born out of this wedlock. Both the two children are studying at Pandharpur. It is submitted that the applicant is suffering with lower back pain and knee pain from January 2015. In support of this statement, the applicant has annexed the relevant medical papers. The applicant has been advised to take rest and to avoid heavy activities. The applicant is unable to travel to attend the proceedings at Barshi and more particularly with two minor children. At present the applicant is residing with her father at Pandharpur.

4] It has been held in catena of judgements by this Court as well as the Apex Court that in proceedings under section 24 of C.P.C. convenience of the wife has to be considered. Considering the facts recorded aforesaid, I am of the view that the applicant has made out a case for transfer of proceedings filed in Barshi court to Pandharpur.

5] Hence, I pass the following order:-

(a) M.C.A. No.60 of 2016 is made absolute in terms of prayer clause (a);

(b) Civil Judge, Senior Division, Barshi to transmit all papers and proceedings of Hindu Marriage Petition No.197 of 2015 to the Court of Civil Judge, Senior Division, Pandharpur expeditiously.

(c) Both the parties are directed to remain present before the Civil Judge, Senior Division, Pandharpur on 21st November 2016.

(d) The applicant as well as Civil Judge, Senior Division, Barshi to act on an authenticated copy of this order.

(R.D.DHANUKA, J)