

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

MISCLLENOUS CIVIL APPLICATION NO.101 OF 2015

Mohini @ Madhuri Amitraj Jadahv ..Applicant
V/s.
Amitraj Ramesh Jadhav .. Respondent

Mr.Milind Prabhune i/by Mr.S. Ardhye for the applicant.
None present for the Respondent.

CORAM : R.D. DHANUKA, J.

DATE : 15th NOVEMBER, 2016.

P.C.

1. The learned counsel appearing for the applicant states that the Respondent has been served. None appeared for the Respondent though served. No affidavit-in-reply is filed by the Respondent.

2. By this application filed under section 24 of the Civil Procedure Code, 1908, the applicant seeks transfer of the Hindu Marriage Petition No.44 of 2015 filed by the Respondent in the Court of Learned Civil Judge Senior Division, Satara for Restitution of Conjugal Rights to the Court of learned Civil Judge Senior Division, Pandharpur. The applicant and the respondent were

married on 21st March 2013. Out of the said wed-lock a child is born who is about 8 months old. It is the case of the applicant that in view of the demand of money and due to the cruelty on the part of the Respondent the applicant had to leave matrimonial house and stay with her parents. The applicant is unemployed and is unable to carry eight months child to attend the proceedings filed by the Respondent at Satara. The applicant has also filed a separate application for Restitution of Conjugal Rights against the Respondent. The distance between Satara and Pandharpur is about 350 km. It is the case of the applicant that the respondent is earning sufficient amount.

3. After considering the averments made in the application and hearing the learned counsel appearing for the applicant, for the reasons recorded aforesaid, I am satisfied that the applicant has made out case for transfer of the proceedings filed by the respondent against the applicant. This Court while considering the application under Section 24 of the Code of Civil Procedure 1908 has to consider the convenience of wife. In my view it would be more convenient if the proceedings filed by the Respondent in the Court of learned Civil Judge Senior Judge Senior Division, Satara is thus transferred to the Court of Learned Civil Judge Senior

Division, Pandharpur. I therefore, pass the following order.

ORDER

- (a) Civil Application No.101 of 2015 is made absolute in terms of prayer clause 'c'.
- (b) The learned Civil Judge Senior Division, Satara to transmit the papers and proceedings of Hindu Marriage Petition No.44 of 2015 to the Court of learned Civil Judge Senior Division, Pandharpur expeditiously.
- (c) Parties as well as the two courts, to act on the authenticated copy of this order.
- (d) Parties are directed to appear before the Court of Civil Judge Senior Division, Pandharpur on 3rd December 2016.
- (e) Miscellaneous Civil Application is disposed of in the aforesaid terms.
- (f) No order as to costs.

(R.D. DHANUKA, J.)