

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.197 OF 2015

Sau. Shalaka Dnyanesh Vispute. .. Applicant
Vs.
Dnyanesh Vishnupant Vispute. .. Respondent

Mr. Nitin Deshpande for the applicant.
None for the respondent.

CORAM : R.D. DHANUKA, J.
DATE : 14th January 2016

P.C.

By this miscellaneous civil application, the applicant seeks transfer of Hindu Marriage Petition No.125 of 2015 filed by the respondent husband before the Court of Civil Judge, Senior Division, Kopergaon to the Court of Family Court, Pune. None appears for the respondent though served. No affidavit-in-reply is filed.

2. On 14th January 2012, the marriage was solemnized between the applicant and the respondent. On 14th January 2013, a daughter was born out of the said wedlock. The respondent has filed a Hindu Marriage Petition No.125 of 2015 before the Court of Civil Judge, Senior Division, Kopergaon inter alia praying for divorce. The said proceedings are pending.

3. Learned counsel appearing for the applicant states that the applicant has been staying with her grand parents who are too old and they cannot travel with the applicant. Daughter of the applicant is small and her grand parents cannot look after her. The applicant is not in a

position to travel alone from Pune to Kopargaon and carry her child to Kopargaon at the time of hearing of the proceedings. The applicant has no source of income and thus she is unable to engage any advocate at Kopargaon.

4. On perusal of the miscellaneous civil application and after considering the submissions made by the learned counsel for the applicant, for the reasons recorded in the miscellaneous civil application, I am of the view that the applicant has made out a case for transfer of Hindu Marriage Petition No.125 of 2015 filed by the respondent husband before the Court of Civil Judge, Senior Division, Kopargaon to the Court of Family Court, Pune.

5. I therefore pass the following order :

- (i) Miscellaneous civil application is made absolute in terms of prayer clause (a);
- (ii) Learned Civil Judge, Senior Division, Kopargaon is directed to transmit the records and proceedings of Hindu Marriage Petition No.125 of 2015 to the Family Court, Pune for adjudication expeditiously ;
- (iii) Miscellaneous civil application is disposed of in aforesaid terms;
- (iv) There shall be no order as to costs.

R.D. DHANUKA, J.