

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

MISCLLENOUS CIVIL APPLICATION NO.218 OF 2015

Mrs.Rupali Suryakant Parakhe ..Applicant
V/s.
Mr.Suryakant Vishvanath Parkhe .. Respondent

Mr.J.S. Yadav i/by Mr.Vilas Tapkir for the Applicant.
None present for the Respondent.

CORAM : R.D. DHANUKA, J.

DATE : 15th NOVEMBER, 2016.

P.C.

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

2. By this application filed under Section 24 of the Civil Procedure Code, 1908, applicant seeks transfer of the Marriage Petition No.89 of 2015 filed by the Respondent before the learned Civil Judge Senior Division at Kopargaon, District-Ahmadnagar to the Court of the learned Civil Judge Senior Division at Kalyan, District-Thane.

3. The applicant and the respondent were married on 29th May 2011. It is the case of the applicant that due to domestic violence at the hands of respondent, the applicant had to leave the matrimonial home and to stay with her parents at Kalyan and she is totally dependent on her father. Her father is retired person and he is not keeping good health. The distance between Kalyan and Kopergaon is more than 250 k.m. and takes 8 to 9 hours for journey. The father of the applicant is not able to accompany the applicant for attending the proceedings at Kopergaon. The applicant has no source of income and she is house wife. I have perused the averments made in the present Civil Application and heard the learned counsel for the applicant. For the reasons recorded aforesaid, in my view the petitioner has made out case for the transfer of petition. I therefore, pass the following order.

ORDER

(a) Miscellaneous Civil Application No.218 of 2015 is made absolute in terms of prayer clause (b).

(b) The learned Civil Judge Senior Division, Kopergaon, District-Ahmadnagar is directed to transmit the papers and proceedings in Marriage Petition No.89 of 2015 to the Court of learned Civil Judge Senior Division, Kalyan expeditiously.

(c) The parties as well as both the Courts to act on authenticated copy of this order.

(d) Parties are directed to appear before the Court of learned Civil Judge Senior Division, Kalyan on 03rd December 2016.

No order as to costs.

(R.D. DHANUKA, J.)