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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.256 OF 2015

Pratibha S. Chavan	...Applicant
V/s.	
Satyawan N. Chavan	...Respondent

Ms.Yogita Deshmukh for the Applicant.

Mr.Nikhil Chavan i/b Mr.Vinayak Patil for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 13TH JANUARY, 2016.

P.C. :-

1. By this misc. civil application, the applicant seeks transfer of Hindu Marriage Petition No.199 of 2014 filed by the respondent before the Civil Judge, Senior Division, Karad to the Court of Civil Judge, Senior Division, Palghar which is filed under section 9 of the Hindu Marriage Act, *inter-alia* praying for restitution of conjugal rights by the respondent against the applicant.

2. The applicant was married to the respondent on 12th June, 1996 at Satara. Two children are born out of the wedlock between the applicant and the respondent. One child is 18 years old, where another child is 14 years old. Both the children are at present staying with the respondent.

3. In view of the matrimonial dispute between the parties, the applicant has left the matrimonial home and has been staying with her parents at Bhoisar for quite some time. The applicant has alleged threats, alleged to have been given by the respondent to the applicant and her family members. The distance between Karad and Palghar is about 400 K.M. and takes about 9 hours to reach Palghar. The parents of the applicant are retired. The applicant is unemployed and is unable to attend the proceedings at Palghar.

4. The applicant has also filed the proceedings against the respondent at Palghar.

5. The application for transfer is opposed by the respondent on the ground that the respondent has to take care of two children and if the proceedings are transferred to Palghar, the respondent would not be able to take care of two children. Learned counsel appearing for the respondent states that the respondent is ready and willing to pay reasonable amount towards transportation to the applicant for attending the proceedings from Palghar to Karad.

6. Learned counsel appearing for the applicant in re-joinder stats that even if any reasonable amount is offered for transportation, the applicant would not be able to travel the distance of about 400 K.M. with the retired parents and the applicant having no other source of income. She submits that in view of the threats given by the

respondent to the applicant, it would be otherwise unsafe for the applicant to travel to Karad from Palghar.

7. No affidavit in reply has been filed by the respondent to his misc. civil application. The only ground canvassed by learned counsel for the respondent to oppose this application for transfer is that the two children born out of the wedlock are staying with the respondent. There is no dispute that one child is about 18 years old and another child is 14 years. In my view, both the children of the parties are sufficiently grown up and can be taken care of by the other members of the family of the respondent when the respondent is required to attend the court proceedings if transferred to Palghar from Karad.

8. In view of serious threats alleged to have been given by the respondent to the applicant and in view of the fact that the parents of the applicant are old and are not keeping good health and in view of the distance from Karad to Palghar being 400 K.M., in my view the ends of justice would be met if Hindu Marriage Petition No.199 of 2014 which is pending before the Civil Judge, Senior Division, Karad is transferred to the Court of Civil Judge, Senior Division, Palghar. Even otherwise the applicant has filed two other criminal proceedings against the respondent at Palghar and for defending such proceedings the respondent will have to attend the proceedings at Palghar.

9. I therefore, pass the following order :-
- a). Misc. Civil Application is made absolute in terms of prayer clause (a).
- b). The learned Civil Judge, Senior Division, Karad is directed to transmit the papers and proceedings of Hindu Marriage Petition No.199 of 2014 to the Court of Civil Judge, Senior Division, Palghar, expeditiously.
- c). No order as to costs.

(R.D. DHANUKA, J.)