

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC.CIVIL APPLICATION NO.215 OF 2014

Mrs Amruta Dhiraj Chilwante ..	Applicant
vs	
Dhiraj Ramkrishna Chilwante	..Respondent

Mr.Saroj N.Pagare for the Applicant.

Mr.Tushar Gujjar a/w Ms Shweta Merchant i/b M/s Solicis Lex for the Respondent.

CORAM: G.S.KULKARNI, J.

DATE : 20TH APRIL 2016.

P. C.

1. The Applicant-wife has filed this application under Section 24 of the Code of Civil Procedure, 1908 read with Section 21A of the Hindu Marriage Act, 1955, praying for transfer of the Marriage Petition No.P.A.744/2014 filed by the respondent-husband before the Family Court at Pune seeking a decree of divorce under section 13 (1) (ia) of the Hindu Marriage Act, 1955. The contention as urged on behalf of the applicant is that the applicant is staying with her parents at Kalyan. The couple has a daughter aged 7 years who is presently in the custody of the Applicant who is pursuing her studies in the IInd standard. The applicant is completely dependent on her parents and is not employed and she has to look after her minor daughter and therefore, it would be very difficult

for her to travel to Pune to attend the Petition proceedings. This would create a serious prejudice to her and her minor daughter.

2. On the other hand, learned counsel for the respondent-husband submits that he is ready and willing to bear the expenses of travel of the applicant to Pune to attend the proceedings before the Family Court at Pune. He further submits that he is also required to look after his parents who are old and who have some ailments. This is disputed by the applicant who states that the respondent-husband has a younger brother who can look after the parents of the respondent and thus the Respondent-husband would not be so much prejudiced if the proceedings are transferred to the Kalyan Court.

3. Having considered the rival submissions as noted above and having perused the contents of the application, I am of the clear opinion that the balance of convenience is in favour of the Applicant and that it would in the interest of justice that the proceedings which are pending before the Family Court at Pune are transferred to the Court of Civil Judge, Senior Division, at Kalyan.

4. Misc.Civil Application is accordingly allowed in terms of prayer clause (a). Record and proceedings of the Marriage Petition

No.P.A.744/2014 be transferred from Family Court at Pune to the Court of the Civil Judge, Senior Division, Kalyan, District Thane within 15 days from today.

5. The Registrar, Family Court, Pune may also give intimation of the transfer of papers and proceeding to the parties. The parties shall approach the Court of Civil Judge, Senior Division, at Kalyan on 6th June, 2016.

6. Misc.Civil Application is accordingly disposed of in above terms. No order as to costs.

(G.S.Kulkarni, J)