

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****MISC. CIVIL APPLICATION NO. 109 OF 2016****Smt.Sarika Amey Hanchate****..... Applicant****VERSUS****Amey Vinod Hanchate****..... Respondent**

Mr.Sachin Gite for the Applicant.

Mr.R.S.Alange for the Respondent.

CORAM : R.D. DHANUKA, J.**DATE : 16th NOVEMBER, 2016****P.C.**

By this application filed under section 24 of the Code of Civil Procedure, the applicant seeks transfer of the proceedings of the Petition No.A-691 of 2015 filed by the respondent before the Family Court, Pune to the Family Court, Nashik.

2. The applicant and the respondent were married on 28th December,2013. There is no issue out of the said wedlock between the parties. It is the case of the applicant that the respondent and his family members started abusing the applicant mentally and physically and made various irresponsible allegations against the mother of the applicant. It is also the case of the applicant that the respondent started demanding Rs.10 lacs from the applicant and asked her not to come to their house without bringing the said amount from her parents. The applicant started staying with her parents. Though the respondent has not filed any affidavit-in-reply to the application made in the civil application, learned counsel appearing for the respondent has disputed those allegations during the course of his submissions.

3. Learned counsel appearing for the applicant submits that the applicant has no source of income whereas the respondent has been working as a Manager in a private firm at Pune and earns handsome amount. He submits that the applicant is totally dependent on her parents for her livelihood and day to day expenses. The distance between Nashik and Pune is more than 210 km and it takes more than 6 hours to travel by road from Nashik to Pune.

4. It is submitted that the applicant also has filed a proceedings against the respondent under the provisions of Domestic Violence Act which proceedings are attended by the respondent. In these circumstances, the applicant submits that the proceedings filed by the respondent be transferred to the Family Court at Nashik.

5. Learned counsel appearing for the respondent on the other hand submits that the applicant was working at Pune before she left the matrimonial house. He submits that the respondent is employed at Pune and it will be difficult for the respondent to visit Nashik for attending the proceedings if transferred to the Family Court Nashik from the Family Court, Pune.

6. It is not in dispute that the respondent has been attending the proceedings at Family Court, Nashik filed by the applicant under the provisions of Domestic Violence Act. The distance distance between Nashik and Pune is more than 210 km. The respondent does not dispute that the applicant has no source of income and is completely dependent on her parents for livelihood and day to day expenses. The respondent has also not disputed that he is earning sufficiently.

7. The Supreme Court as well as this court in catena of judgments has taken a view that in an application filed under section 24 of the Code of Civil

Procedure,1908, the convenience of the wife has to be considered. The applicant has thus made out a case for transfer of the proceedings filed by the respondent against the applicant. I, therefore, pass the following order :-

- (a) Misc.Civil Application No.109 of 2016 is made absolute in terms of prayer clause (a).
- (b) Family Court, Pune is directed to transmit the papers and proceedings of the Petition No.A-691 of 2015 filed by the respondent before the Family Court, Pune to the Family Court, Nashik expeditiously.
- (c) Hearing of the Petition No.A-691 of 2015 is expedited.
- (d) Both the parties are directed to appear before the Family Court, Nashik on 5th December,2016 and shall co-operate with each other and with the learned Family Court in expeditious disposal of the proceedings.
- (e) The parties as well as the two courts described in prayer clause (a) of the application to act on the authenticated copy of this order.
- (f) No order as to costs.

(R.D.DHANUKA, J.)