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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.263 OF 2015

Snehal S. Gaikwad	...Applicant
V/s.	
Shrinivas P. Gaikwad	...Respondent

Mr.Dhananjay Rananaware for the Applicant.

Mr.Manoj Patil for the the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 14TH JANUARY, 2016.

P.C. :-

1. By this misc. civil application, the applicant seeks transfer of Divorce Petition A (No.89 of 2014) pending before the Family Court at Kolhapur to the Court of Civil Judge, Senior Division, Satara or any Competent Civil Court situated at Satara.

2. The marriage was solemnized between the parties on 24th January, 2012. In view of the dispute between the parties, the applicant has been staying with her parents at Satara. It is the case of the applicant that she is unemployed and is not earning anything and is totally dependent upon her father. It is also the case of the applicant that the respondent is working and earning hand some salary. It is the case of the applicant that the distance between Satara

and Kolhapur is 300 K.M. to and fro and she is required to accompany a person with her to attend the proceedings at Kolhapur.

3. Learned counsel appearing for the applicant invited my attention to the averments in the affidavit in reply and would submit that admittedly the respondent has been working at Pune and is visiting his relatives at Kolhapur. He submits that for visiting the relatives of the respondent, the respondent while going to Kolhapur has to pass through Satara. He submits that Satara would be thus convenient place whether the proceedings filed by the respondent can be transferred and heard.

4. Learned counsel for the respondent on the contrary submits that kolhapur would be the convenient place for hearing the matter. He submits that if the proceedings are transferred to Satara, the respondent will have to attend the court proceedings at Satara and thereafter would be required to go to Kolhapur. He does not dispute that for going to Kolhapur the respondent has to pass through Satara. He also does not dispute that the applicant is unemployed and has no source of income.

5. Learned counsel for the respondent submits that the respondent is ready and willing to make payment of reasonable amount for travelling of the applicant to attend the Court proceedings from Satara to Kolhapur. He submits that merely because the

applicant is female, that cannot be a ground for transfer of the proceedings from Kolhapur to Satara.

6. It is not in dispute that the applicant has been staying at Satara with her parents. The respondent is employed. It is also not in dispute that the relatives of the respondent are staying at Kolhapur. The respondent frequently visits the relatives at Kolhapur. For visiting Kolhapur, the respondent has to pass through Satara. Satara is midway of Kolhapur and Pune.

7. Insofar as the submission of the learned counsel for the respondent that merely because the applicant is female, that cannot be a criteria for transfer of the proceedings is concerned, the Supreme Court as well as this Court in catena of decisions has held that while deciding an application filed under section 24, the convenience of the wife has to be considered by the Court. In my view, the objections raised by the respondent for opposing the transfer of the proceedings from Kolhapur to Satara is totally unreasonable and baseless.

8. In my view, the applicant has made out a case for transfer of the proceedings from Kolhapur to Satara.

9. I therefore, pass the following order :-

a). Misc. Civil Application is made absolute in terms of prayer clause (b). The learned Family Court at Kolhapur is directed to

transmit the papers and proceedings described in prayer clause (b) of the misc. civil application to the Court of Civil Judge, Senior Judge, Satara expeditiously.

10. The misc. civil application is accordingly disposed of in aforesaid terms. No order as to costs.

(R.D. DHANUKA, J.)