

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

**MISC. CIVIL APPLICATION NO.298 OF 2015**

Mrs. Isha alias Samita Gaurav Kulkarni. .. Applicant  
Vs.  
Mr. Gaurav Govind Kulkarni. .. Respondent

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Ms. Jyoti Kolhe i/by Ms. Jai Vaidya for Applicant.  
Mr. M. A. Utagikar i/by Mr. Prashant Kamble for Respondent.

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**CORAM : R.D. DHANUKA, J.**  
**DATE : 18<sup>th</sup> August 2016**

P.C.

. By this miscellaneous civil application filed under Section 24 of the Code of Civil Procedure, 1908, the applicant seeks transfer of divorce proceedings bearing P.A.No.950 of 2015 filed by the respondent-husband before the Family Court, Pune to the Family Court at Bandra, Mumbai.

2. It is the case of the applicant that the applicant who was born and brought up in Mumbai was married with respondent on 9<sup>th</sup> February 2014 at Pune. It is the case of the applicant that the applicant was ill treated by the respondent and his parents and since the applicant is required medical treatment, she shifted to Mumbai and since January 2015 has been staying with her parents. It is the case of the applicant that the respondent is in habit of drinking hard drinks.

3. It is the case of the applicant that the applicant is not keeping good health. The father of the applicant has suffered from stroke attack

and the mother of the applicant is also old age. The applicant is looking after her parents. The applicant is working with a firm at Mumbai.

4. Learned counsel appearing for the respondent on the other hand submits that merely for the convenience of the applicant, the matter cannot be transferred from the Family Court, Pune to the Family Court at Bandra, Mumbai. He submits that the Family Court at Mumbai is already overloaded with large number of the matters.

5. A perusal of the record indicates that the respondent has not disputed that the applicant is under treatment and due to illness, it is difficult for her to travel from Mumbai to Pune. The applicant is also looking after her parents and also not keeping good health.

6. Learned counsel appearing for the respondent is not able to convince this Court as to why the divorce proceedings filed by his client shall not be transferred from the Family Court, Pune to the Family Court at Bandra, Mumbai though the applicant is suffering from various health issues.

7. In my view, the applicant has made out a case for transfer of the proceedings filed by the respondent from the Family Court, Pune to the Family Court at Bandra, Mumbai as prayed.

8. I therefore pass the following order :-

(a) Miscellaneous Civil Application No.298 of 2015 is made absolute in terms of prayer clause (b);

- (b) The Family Court, Pune is directed to transmit the record and proceedings of divorce proceedings being P.A. No.950 of 2015 filed by the respondent to the Family Court at Bandra, Mumbai expeditiously;
- (c) Parties are directed to appear before the Family Court at Bandra, Mumbai on 19<sup>th</sup> September 2016;
- (d) There shall be no order as to costs.

***R.D. DHANUKA, J.***