

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****MISC.CIVIL APPLICATION NO.279 OF 2015****Sou.Reena Umesh Dikonda****..... Applicant****VERSUS****Umesh Kishor Dikonda****..... Respondent**

Ms.Anusha Amin for the Applicant.

None for the Respondent.

CORAM : R.D. DHANUKA, J.**DATE : 19th SEPTEMBER, 2016****P.C.**

Learned counsel appearing for the applicant states that the respondent has been served pursuant to the order passed by this court on 11th February, 2016. None appeared for the respondent though served. No affidavit in reply is filed.

2. By this Miscellaneous Civil Application, the applicant seeks transfer of the Marriage Petition No.1003/2015 filed by the respondent before the Family Court, Pune to the Family Court, Thane. The applicant and the respondent were married on 2nd January, 2013. It is the case of the applicant that on 28th August, 2013, the applicant was driven out of her matrimonial home by the respondent and his family members and was left at Kalwa Station. The applicant filed an application under section 125 of the Criminal Procedure Code on 6th May, 2014 inter alia praying for maintenance before the Family Court at Thane. As a counter blast to the said application filed by the applicant, the respondent filed divorce petition under section 13(1)(1-a) of the Hindu Marriage Act, bearing No. 1003 of 2015 before the Family Court at Pune. The respondent has been attending the

proceedings filed by the applicant at Thane.

3. There is a vast distance between the Thane and Pune. The applicant has been staying with her parents. The parents of the applicant are not capable to pay any expenses to the applicant for attending the proceedings at Pune. The respondent is working with Jahangir Hospital and is earning Rs.35,000/- per month according to the applicant. The applicant is unemployed and is totally dependent upon her aged mother who is also not keeping good health. The applicant cannot attend the proceedings from Thane to Pune.

4. For the reasons recorded aforesaid, in my view the applicant has made out a case for transfer of the proceedings filed by the respondent before the Family Court Pune to the Family Court at Thane. This court while considering the application under section 24 of the Code of Civil Procedure, has to consider the convenience of the wife.

5. Miscellaneous Civil Application is accordingly made absolute in terms of prayer clause (A). The Family Court Pune is directed to transmit the papers and proceedings of the Marriage Petition No.1003 of 2015 to the Family Court Thane expeditiously.

6. The parties are directed to appear before the Family Court at Thane on 10th October, 2016.

7. The parties as well as the Family Court, Pune to act on the authenticated copy of this order. No order as to costs.

8. The applicant is directed to convey this order to the respondent and also to the Family Court, Pune for compliance.

[R.D. DHANUKA, J.]