

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****MISC.CIVIL APPLICATION NO. 282 OF 2015****Varsha Sagar Kambale****..... Applicant****VERSUS****Sagar Aravind Kambale****..... Respondent**

Mr.Bharat Sarda for the Applicant.

Mr.Gajanan Savagave for the Respondent.

CORAM : R.D. DHANUKA, J.**DATE : 22nd NOVEMBER, 2016****P.C.**

By this miscellaneous civil application filed under section 24 of the Code of Civil Procedure, 1908, the applicant seeks transfer of the Hindu Marriage Petition No.63 of 2015 filed by the respondent before the learned Civil Judge, Senior Division, Jaysingpur to the Court of learned Civil Judge, Senior Division, Satara.

2. The applicant and the respondent were married on 1st June, 2014. It is the case of the applicant that the respondent and his family members were harassing and abusing the applicant physically as well as mentally. The applicant has been staying with her parents since 29th January, 2015. The applicant has also filed an application under section 125 of the Criminal Procedure Code against the respondent in the court of learned Chief Judicial Magistrate, Satara. The respondent has appointed an advocate and has been attending the said proceedings. The respondent has filed a petition under section 9 of the Hindu Marriage Act on 6th August, 2015 against the applicant in the Court of learned Civil Judge, Senior Division, Jaysingpur.

3. The applicant is totally dependent on her parents for livelihood and does not have any source of income. The respondent however is earning sufficiently. The father of the applicant is totally disable. The applicant has annexed copy of the Disability Certificate of her father. The father of the applicant is thus unable to accompany the applicant to attend the proceedings filed by the respondent at Jaysingpur. Learned counsel for the applicant states that the applicant was illegally confined in a room by the respondent in respect of which the applicant has already filed a separate complaint against the respondent.

4. No affidavit in reply is filed by the respondent though served. Learned counsel appearing for the respondent submits that if the proceedings are transferred from Jaysingpur to Satara, the respondent apprehends the physical assault from the applicant. In my view, there is no substance in this submission made by the learned counsel for the respondent. On the contrary the applicant apprehends threats from respondent and has already filed a complaint against the respondent. For the reasons recorded aforesaid, the applicant has made out a case for transfer of the proceedings filed by the respondent.

5. I, therefore, pass the following order :-

(a) Miscellaneous Civil Application No.282 of 2015 is made absolute in terms of prayer clause (A).

(b) The learned Civil Judge, Senior Division, Jaysingpur and directed to transmit the papers and proceedings in Hindu Marriage Petition No. 63 of 2015 to the Court of learned Civil Judge, Senior Division, Satara expeditiously.

- (c) The parties as well as the two courts described in prayer clause (A) of the miscellaneous civil application to act on the authenticated copy of this order.
- (d) The parties are directed to appear before the learned Civil Judge, Senior Division, Satara on 13th December, 2016.
- (e) No order as to costs.

(R.D.DHANUKA, J.)