

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****MISC.CIVIL APPLICATION NO. 281 OF 2015****Mrs.Pradnya Pramod Medhe****..... Applicant****VERSUS****Pramod Namdeo Medhe****..... Respondent**

Mr.Rajesh More for the Applicant.

None for the Respondent.

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

None appeared for the respondent though served.

2. By this application filed under section 24 of the Code of Civil Procedure, 1908, the applicant seeks transfer of the Hindu Marriage Petition No. 9 of 2015 filed by the respondent before the learned District Judge-2 and Additional Sessions Judge, Bhusaval to the learned Family Court at Pune.

3. The respondent is already served. Three affidavits of services are already filed.

4. The applicant and the respondent were married on 4th February, 2009 at Pune. Out of the said wedlock two children were born. The daughter however unfortunately expired when she was 8 months old. The son is about two years old now. The applicant has been staying with her maternal sister and is unemployed.

5. It is the case of the applicant that the respondent and his family members

were ill treating the applicant and were demanding various amounts from the applicant. The applicant was asked to leave the home since she was unable to pay the amount as demanded by the respondent and his family members. The applicant has filed petition under the provisions of Domestic Violence Act against the respondent at Pune for interim and for permanent maintenance and other reliefs. Learned counsel for the applicant states that the respondent has been attending the said proceedings however did not pay any maintenance till date to the applicant.

6. I have heard the learned counsel for the applicant and have perused the averments made in the miscellaneous civil application. I have also perused the annexures annexed to the miscellaneous civil application. The applicant is unemployed and has a small child aged two years old. The applicant is not able to carry her two years old child to attend the proceedings which are filed by the respondent at Bhusaval.

7. In my view the applicant has thus made out a case for transfer of the proceedings filed by the respondent.

8. Supreme Court as well as this court in catena of decisions has consistently taken a view that while considering an application filed under section 24 of the Code of Civil Procedure, 1908, convenience of the wife has to be considered.

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

(a) Misc. Civil application No. 281 of 2015 is made absolute in terms of prayer clause (b). The learned District Judge – 2, and Additional Session, Bhusaval is directed to

transmit the papers and proceedings of HMP No. 9 of 2015 to the Family Court, Pune expeditiously.

(b) The parties as well as the two courts described in prayer clause (b) of the miscellaneous civil application to act on the authenticated copy of this order.

(c) The parties are directed to appear before the Family Court, Pune on 13th December, 2016.

(d) The applicant is directed to convey this order to the respondent.

(e) There shall be no order as to costs.

(R.D.DHANUKA, J.)