

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 34 OF 2016

Mrs.Madhurita Suryakant Jadhav

..... Applicant

VERSUS

Suryakant Raghunath Jadhav

..... Respondent

Mr.Ramdas Shelke for the Applicant.

None for the Respondent.

CORAM : R.D. DHANUKA, J.

DATED : 16th FEBRUARY, 2016

P.C.

By this miscellaneous civil application, the applicant at present seeks transfer of Marriage Petition No.987 of 2015 pending before learned Civil Judge Senior Division, Kalyan to the Court of Civil Judge Senior Division Sangli. Learned counsel appearing for the applicant states that the respondent was already served by the applicant even prior to 13th January, 2016 when the order was passed by this court. None appeared for the respondent though served. No affidavit in reply is filed.

2. It is the case of the applicant that the applicant was married to the respondent on 19th March, 2012 at Badlapur. It is alleged by the applicant that due to the harassment meted out to the applicant by the respondent and his sister and because of mental torture, the applicant faced the problem of mis-carriage in the month of April 2014. The applicant has been staying with her parents at Sangli since early 2014. The applicant is not employed and is totally dependent upon her parents. The distance between Sangli and Kalyan is more than 500 kms. It is the

case of the applicant that the applicant has undergone two major operations and is unable to do any job and is totally dependent upon her parents for her survival. The parents of the applicant are senior citizens. Mother of the applicant is suffering from various ailments. The parents of the applicant cannot accompany the applicant for attending the proceedings at Kalyan from Sangli. The respondent has also not paid any maintenance to the applicant till date.

3. I have heard learned counsel for the applicant at length and have perused the averments in the miscellaneous civil application. The statements made in the miscellaneous civil application are accepted. For the reasons recorded in the miscellaneous civil application, I am of the view that the applicant has made out a case for transfer of Marriage Petition No.987 of 2015 which is pending in the court of the learned Civil Judge Senior Division, Kalyan to the Court of learned Civil Judge Senior Division Sangli for hearing and final disposal.

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

(a) Learned Civil Judge Senior Division, Kalyan is directed to transmit the papers and proceedings of Marriage Petition No.987 of 2015 to the Court of learned Civil Judge Senior Division Sangli expeditiously.

(b) Since the respondent has withdrawn Marriage Petition No.333 of 2015, the applicant does not press transfer of the said marriage petition.

5. Miscellaneous civil application is disposed of in the aforesaid terms. No order as to costs.
6. Parties as well as learned Civil Judge Senior Division, Kalyan to act on the authenticated copy of this order.

[R.D. DHANUKA, J.]