

**IN THE HIGH COURT OF JUDICATURE
AT BOMBAY**

BENCH AT AURANGABAD.

MISC.CIVIL APPLICATION NO.66 OF 2017

Sau.Divya Mahendra Kulkarni ... Applicant.

Versus

Mahendra Suresh Kulkarni ...Respondent.

...
Mr.A.S.Savale, advocate for the applicant.
Mr.S.A.Gaikwad, advocate for Respondent
...

CORAM : N.W.SAMBRE, J.

Date : 27.07.2017.

PER COURT :

1. The applicant has sought transfer of Hindu Marriage Petition No.A-255/2015 from the Family Court, Nasik to the Civil Judge (Senior Division), Shahada, on the ground that she is having custody of her two years old son and she is residing at Shahada along with her parents being a destitute lady.

2. The claim is opposed by the learned counsel for the non-applicant on the ground that the proceedings of which transfer is sought is fixed for judgment and for last two years, the applicant has not filed her appearance inspite of service of notice.

3. Considered submissions. The applicant has made a statement in the application that she has appeared in the proceedings at Nasik, however, said statement is contrary to the record as proceedings at Nasik went exparte against the applicant which are fixed for rendering judgment. Amongst other grounds raised are the distance of 240 Kms. which applicant will be required to travel along with her minor son. The hardship and the convenience is also sought to be canvassed based on the judgment of the Apex Court in the matter of **"Vaishali Shridhar Jagtap Vs. Shridhar Vishwanath Jagtap"** reported in **2016 AIR (SC) 3584.**

4. Considering the conduct of the applicant of not putting her appearance for last

two years, the fact that the matter before the Court is fixed for judgment, in my opinion no case for transfer is made out. The application as such fails and is rejected.

(N.W.SAMBRE, J.)

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