

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 98 OF 2017

Smt. Anjali Genu Aakhade

...Applicant

Vs.

Genu Sudhakar Aakhade

....Respondent

Mr. Rupesh Bobade for the Applicant.
None for the Respondent.

CORAM : S.J. KATHAWALLA, J.
DATED : 4th AUGUST, 2017

P.C.:

1. By the above Miscellaneous Civil Application filed under Section 24 of the Code of Civil Procedure, 1908, the Applicant-wife seeks transfer of Petition No. 880 of 2016 filed by the Respondent-husband and pending before the Family Court No.5, Pune, to the Court of Civil Judge, Senior Division, Barshi, Dist. Solapur.
2. According to the Applicant, the marriage between her and the Respondent was solemnised on 4th May, 2014. In February, 2015, disputes arose between the parties and the Applicant started residing with her parents at village Bembalegaon, Tal. Madha (Changdev Galgunde) Banvasti, Dist. Solapur. Thereafter on 25th July, 2016, Respondent filed Petition No. 880 of 2016 before the Family Court No.5, Pune, seeking dissolution of marriage between him and the Applicant. The Applicant has

submitted that her parents are working as labourers and she has also started working as a labourer with her parents. The financial condition of the Applicant is very poor/weak. The distance between her residence and the Court at Pune is 320 kilometer (to and fro). Apart from the inconvenience that would be caused to her to travel a distance of 320 kilometers, there is no person in her family who can accompany her to Pune on every date of hearing and it is also not possible for her to incur the travel expenses of herself and the person accompanying her, since she hardly has any income of her own. She has therefore submitted that her application be allowed and the divorce petition filed by the Respondent-husband before the Family Court No. 5, Pune, be transferred to the Court of Civil Judge, Senior Division, Barshi, Dist. Solapur.

3. Despite service, the Respondent has failed and neglected to appear before this Court by himself and/or through his Advocate. He has also not filed any affidavit-in-reply to the above Application. In view thereof, what is stated in the Petition has remained uncontroverted and I see no reason why the same should not be accepted. In the circumstances I am satisfied and grave inconvenience and hardship would be caused to the Applicant if she is required to travel all the way from Barshi to Pune to attend to the divorce proceedings filed by the Respondent before the Family Court at Pune, on every date of hearing. Hence the following order:

- (i) Petition No. 880 of 2016 filed by the Respondent-husband before the Family Court No. 5 at Pune is transferred to the Court of Civil Judge, Senior Division,

Barshi, Dist. Solapur.

- (ii) The Registrar, Family Court, Pune shall ensure that the papers and proceedings in Petition No. 880 of 2016 reaches the Court of Civil Judge, Barshi on or before 6th November, 2017.
- (iii) The parties and/or their Advocates shall appear before the Court of Civil Judge, Senior Division, Barshi on 9th November, 2017 at 11.00 a.m. and obtain necessary directions.
- (iv) The Civil Judge, Senior Division, Barshi, Dist. Solapur shall endeavour to dispose of Petition No. 880 of 2016 within a period of six months from 9th November, 2017.
- (v) The Learned Civil Judge, Senior Division, Barshi shall not grant any adjournments to the parties unless absolutely necessary. The parties too shall not apply for any adjournment unless absolutely necessary.
- (vi) All contentions of the parties are kept open.
- (vii) A copy of this order shall be served on the Respondent by the Advocate for the Applicant by Speed Post/Registered Post and/or by hand delivery.

The above Misc. Civil Application is accordingly disposed off.

(S.J.KATHAWALLA, J.)