

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISC. CIVIL APPLICATION NO.260 OF 2016

Ms. Bhakti Jayant Bhandare ... Applicant

V/s.

Mr. Sandeep Suryakant Karade ... Respondent

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Mr. S. R. Nargolkar a/w. Mr. Omkar Amberkar, Mr. Lendl Coutinho i/b. Mr. S. Mohite for the applicant.

Mr. Muralidhar Khadilkar, Mr. Alankar Kirpekar, Mr. Shekhar Bhagat i/b. MAG Legla for the respondent.

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CORAM : S. C. GUPTE, J.

DATE : 3 FEBRUARY, 2017.

P.C. :

. Heard learned counsel for the parties.

2. This Misc. Civil Application seeks transfer of a marriage petition filed under 13(i)(c) of the Hindu Marriage Act, 1955 for declaration of nullity of marriage. The petition is pending before the Family Court at Pune. The case of the petitioner is that the applicant herein (original respondent in the petition) is of unsound mind and that this fact was suppressed from the respondent husband at the time of marriage and that, accordingly, his consent was vitiated and there was no free consent on his part for the marriage. The present application for transfer is on the footing that the applicant is not occupied gainfully and is dependent on her parents for her livelihood as well as support. It is submitted that she would be unable to travel to Pune for defending the proceedings, and that it may not be possible for her father, who is a retired teacher and of old

age, to travel every time with her to Pune for attending the proceedings. It is submitted that the respondent-husband is a sand contractor and often visits Padharpur and Solapur for his business. In the premises, it is submitted that it is in the interest of justice that the proceedings be transferred from Pune to Solapur.

3. The respondent opposes the application.

4. It is the face of the respondent's own case that the applicant is of unsound mind, it may not be fair to insist on the applicant visiting Pune to attend the Court proceedings, considering also that she has an ageing father on whose support she depends. It is in the interest of justice that the matrimonial proceedings pending before the Family Court at Pune be transferred to the Family Court at Solapur.

5. Misc. Civil Application is, accordingly, allowed in terms of prayer clause (a). No order as to costs.

(S. C. GUPTE, J.)