

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

MISCELLANEOUS CIVIL APPLICATION NO.117 OF 2017

Mrs. Trushtee Shouvik Shome
alias Trushtee Sajal Edbor

... Applicant

vs.

Mr. Shuvik Kalyan Shome & Anr.

... Respondents

Mrs. Hansa Asher for the Applicant.

None for the Respondent No.1.

Mr. Yogesh Dabke, AGP for the Respondent No.2.

Coram : **A.A. Sayed, J.**

Date : 10 November 2017

P.C. :

1 The above Miscellaneous Civil Application filed under section 24 of the Code of Civil Procedure by the Applicant wife seeks transfer of the proceedings being PA No.1063 of 2016 filed by the Respondent husband from the Family Court at Pune to Family Court at Nagpur.

2 The case of the Applicant wife in the Miscellaneous Civil Application is as follows:

That the marriage between the Applicant wife and the Respondent husband was solemnized at Nagpur and the Applicant wife and the Respondent husband were residing at their matrimonial home at Pune and were also employed at Pune. She was fed up of the constant mental abuse, ill-treatment and cruelty meted out upon her at

the hands of the Respondent husband and she was apprehending threats on her life and she was compelled to leave her matrimonial home at Pune and to resign from her employment and return to her parents' home at Nagpur. She has thereafter filed the following proceedings at Nagpur:

- i) Divorce Petition No.1288 of 2015 under section 13(1)(ia) and section 12(1)(a) of the Hindu Marriage Act, 1955 for grant of divorce and Application for Interim Order pending before the Family Court, Nagpur;
- ii) Criminal Misc. Application No.4467 of 2015 under sections 18, 19, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005 and an Application for Interim Protection under section 12 read with section 20 and 23 of the Protection of Women From Domestic Violence Act, 2005;

The Respondent husband has filed a Petition under section 9 of the Hindu Marriage Act, 1955 bearing P.A. No.1063 of 2016 for restitution of conjugal rights before the Family Court at Pune. She has no relative or close friend at Pune. Her parents are suffering from multiple serious health issues as set out in ground (A) of the Miscellaneous Civil Application. The distance between Nagpur to Pune is 720 kms and being a young lady it is inconvenient for her to travel to Pune. She is now employed in Nagpur. She apprehends the Respondent husband and his relatives may cause physical injury to her in Pune.

3. I have perused the orders passed by this Court as regards service upon the Respondent husband. I have also perused the Report of the Principal Judge, Family Court, Pune and also the Pursis filed by the Advocate for the Respondent husband in the Family Court at Pune. The Respondent husband appears to be aware of the present proceedings but has chosen not to appear. There is no Reply filed on behalf of the Respondent husband opposing the Application.

4 Having regard to the facts and circumstances of the case and particularly considering the fact that the Petitioner being a lady and employed in Nagpur and considering the distance of 720 k.ms. between Pune and Nagpur, in my view, the Applicant wife has made out a case to transfer the proceedings of PA No.1063 of 2016 from Family Court, Pune to Family Court, Nagpur. Hence, the Miscellaneous Civil Application is allowed in terms of prayer clause (b).

5 The Record and Proceedings be transmitted by the Family Court at Pune to the Family Court at Nagpur at the earliest. The parties shall remain present before the Family Court at Nagpur on 22 December 2017 at 11 a.m. where the Divorce Petition No.1288 of 2015 of the Applicant-wife is pending and a copy of this order be produced before the said Family Court at Nagpur.

6 Copy of this order be served upon the Respondent husband by
the learned Counsel for the Applicant wife.

7 The Miscellaneous Civil Application to stand disposed of
accordingly.

(A.A. Sayed, J.)