

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 83 OF 2015

Mrs.Sushama Ameya Dhage

... Applicant

Versus

Mr.Ameya Vasant Dhage

... Respondent

Mr. Makarand Kale for the Applicant.
None for the Respondent.

CORAM : S.J. KATHAWALLA, J.
DATED : 21ST JUNE, 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 Marriage Petition No. A-896 of 2014 filed by the Respondent-husband seeking restitution of conjugal rights pending before the Family Court at Pune to the competent Court of jurisdiction at Mumbai.
2. The Applicant and the Respondent were married on 19.11.2013. According to the Applicant, after marriage the Applicant started residing with the Respondent at Pune. However, as the Respondent forced the Applicant to reside at his sister's house, the Applicant left Pune and started residing with her parents at Mumbai.
3. The Respondent has filed Marriage Petition No.896 of 2014 before the

Family Court at Pune seeking restitution of conjugal rights. According to the Applicant, to attend the said proceedings filed by the Respondent, she has to undertake a journey of approximately 8 hours (to and fro) on each date of hearing. She has no source of income and relies on her father to keep her body and soul together. Therefore, apart from it being inconvenient for her to travel alone to Pune, she is unable to bear the travel expenses as well as the lodging and boarding expenses if she is required to arrange an over night stay at Pune. She therefore submits that above Application be allowed and grave inconvenience and hardship will be caused to her if the same is not allowed.

4. The Respondent has not filed any reply to the above Miscellaneous Civil Application. He has also not come forward to oppose the above Application. In view thereof, based on the submissions made by the Applicant, it is clear that grave inconvenience and hardship will be caused to the Applicant if she is required to travel from Mumbai to attend the proceedings filed by the Respondent seeking restitution of conjugal rights before the Family Court at Pune.

6. In the light of the above, the Miscellaneous Civil Application for transfer is required to be allowed and I therefore, pass the following order :

(a) The Marriage Petition No. 896 of 2014 filed by the Respondent-husband is directed to be transferred from the Family Court at Pune to the Family Court at Bandra, Mumbai.

(b) The Family Court at Pune is directed to transmit the papers and

proceedings of Marriage Petition No. 896 of 2014 to the Family Court at Bandra, Mumbai.

(c) A copy of this Order shall be served on the Respondent at his address at 39/40, Pushpmegh Society, Tulsibagwale Colony, Sahakarnagar No.2, Pune - 400 009 by hand-delivery. The Inspector of Police of the Local Police Station shall assist the Applicant and/or her Advocate in serving a copy of this order by hand-delivery on the Respondent and to obtain his acknowledgment.

(d) The parties as well as the Family Court at Pune and the Family Court at Bandra, Mumbai to act on an authenticated copy of this Order ;

(e) The parties and/or their Advocates shall appear before the Family Court at Bandra, Mumbai on 21st August, 2017 at 11.00 a.m. and obtain appropriate orders/directions.

7. The Miscellaneous Civil Application is allowed in the aforesaid terms, with no order as to costs.

(S.J.KATHAWALLA, J.)