

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO.100 OF 2017**

Sujata Kiran Gaikwad

... Applicant

vs.

Kiran Prakash Gaikwad

... Respondent

Mr. Kuldeep U. Nikam for the Applicant.
None for the Respondent.

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

Date : 10 November 2017

P.C. :

1 This Miscellaneous Civil Application is filed under section 24 of the Code of Civil Procedure, 1908, by the Applicant wife for transfer of the Hindu Marriage Petition bearing No.519 of 2015 under the Hindu Marriage Act filed by the Respondent-husband for restitution of conjugal rights pending before the Civil Judge Senior Division, Satara to Family Court at Pune.

2 Perused earlier orders passed by this Court. Despite the earlier orders neither the Respondent husband nor his Advocate are present. The Applicant-wife and Respondent-husband performed marriage in December 2013. The matrimonial home was at Satara. Due to marital discord between the Applicant wife and Respondent husband, the Applicant wife is now staying with her parents in Pune.

3 The Applicant wife has preferred P.A. No.119 of 2016 before the Family Court at Pune for divorce under section 13(1)(i-a) of the Hindu Marriage Act on the ground of cruelty. The Applicant wife has averred in the Application that she is not earning. It is further averred that the Respondent husband threatened her not to appear in the said proceedings filed by him in the Court of Satara. It is stated that the distance between Satara and Pune is around 120 kms and she is unable to travel and attend the said proceedings at Satara. There is no Reply filed by the Respondent husband.

4 Considering the facts and circumstances of the case, particularly, since the Applicant wife being a lady having no source of income and considering the distance between Satara and Pune, the Applicant-wife has made out a case to transfer the proceedings as prayed. Hence, the following order:

O R D E R

- i) The proceedings bearing Hindu Marriage Petition No.519 of 2015 before the Civil Judge, Senior Division, Satara be remitted to the Family Court at Pune at the earliest.
- ii) The parties to appear before the Family Court at Pune on 21 December 2017 at 11 a.m. alongwith a copy of this order.

5 A copy of this order be served upon the Respondent-husband.

6 Miscellaneous Civil Application to stand disposed of.

(A.A. Sayed, J.)