

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-01668 of 2014 filed by the Respondent-husband seeking divorce pending before the Family Court, Bandra to the Court of Civil Judge, Senior Division, Waduj, District, Satara.
2. The Applicant and the Respondent were married on 29.04.2017 at Satara. After marriage, a girl child named, Tanishka, was born to the Applicant and the Respondent who is at present eight years old. In view of the disputes between the Applicant and the Respondent and his family members, the Applicant on 01.06.2009 left the matrimonial home and started residing with her parents.
3. On 10.06.2009, the Applicant filed a complaint against the Respondent and

his family members at Dahiwadi Police Station, District-Satara for offences under Sections 323, 504, 506 of the Indian Penal Code. She also filed a complaint against the Respondent under Section 498-A of the Indian Penal Code. The Applicant also filed an application for maintenance under Section 125 of the Code of Criminal Procedure before the J.M.F.C. at Dahiwadi and an order directing the Respondent to interalia pay maintenance of Rs.1,500/- to the Applicant and Rs.1,000/- for the minor daughter, from 23.10.2011 ; was passed by the J.M.F.C. at Dahiwadi.

4. The Applicant has submitted that despite the aforesaid order directing the Respondent to pay maintenance to the Applicant and the minor daughter, the Respondent till date has not paid a single rupee to the Applicant. On the date of filing of the above Application i.e. 17.03.2015, an amount of Rs.1,83,500/- was due and payable by the Respondent towards arrears of maintenance. The Applicant has therefore, taken up a job in the office of Gram-Panchayat as a Computer Operator/Clerk and from her meager income is trying to take care of the basic needs of herself and her minor daughter. It is submitted that the minor daughter of the Applicant is in the 1st Standard at Dahiwadi, District-Satara and it will cause grave inconvenience to the Applicant to travel from Satara to Mumbai by constantly taking leave from her employers and also by leaving her minor child behind. The Applicant does not have relatives and/or friends at Mumbai to enable her to arrange an overnight stay if required. It is submitted that the Applicant is also not in a position to bear the travel expense as stated herein-above, and the boarding and lodging expenses since she

has not received single rupee from the Respondent towards maintenance of herself and her child, despite specific orders passed by the Court. The Applicant has further submitted that it is only after she filed the aforesaid complaints and proceedings at Dahiwadi, District-Satara, that the Respondent only to cause harassment to the Applicant has filed the said divorce petition before the Family Court at Bandra. It is, therefore, submitted that the above application seeking transfer as prayed be allowed.

5. As submitted by the Applicant, she is residing alongwith her minor daughter at her parental home since 01.06.2009. Immediately thereafter she filed a complaint at the Dahiwadi Police Station for the offences punishable under Sections 323, 504, 506 of the Indian Penal Code and has filed a complaint against the Respondent under Section 498-A of the Indian Penal Code. She has also filed an application for maintenance under Section 125 of the Code of Criminal Procedure before the Learned J.M.F.C. At Dahiwadi, District-Satara and the Respondent is directed to pay an aggregate amount of Rs.2,500/- per month to her from 23.10.2011 towards her maintenance and the maintenance of her minor daughter. The Respondent has failed and neglected to pay a single rupee to the Applicant towards her maintenance and the maintenance of the minor daughter. The Applicant is required to work and at the same time take care of her minor daughter who is studying in 1st Standard. Since the distance between Satara and Bandra is very long and would involve an overnight journey, it would cause grave inconvenience and hardship to the Applicant to attend the divorce proceedings filed by the Respondent at the Family Court at Bandra.

6. The Civil Application was by an order dated 01.03.2016 placed on board for admission on 13.04.2016. Thereafter, by an order dated 13.04.2016 the matter was referred to Mediation by N.M. Jamdar, J. By an order dated 6th April 2017 N.M. Jamdar, J. recorded that the parties are not attending the mediation proceedings. He therefore, vacated the ad-interim order and placed the matter on 3rd May, 2017. The Respondent has even thereafter not filed his Affidavit-in-Reply. On 5th June, 2017, this Court directed the above Application to be placed for hearing and final disposal on 9th June 2017. On 9th June, 2017 the Application was at the request of the Advocates for the parties placed for final hearing on 12.06.2017 i.e. today. The Respondent has chosen not to file any reply till date.

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

(a) The Marriage Petition being No.A-01668 of 2014 filed by the Respondent-husband is directed to be transferred from the 6th Family Court at Bandra, Mumbai to the Court of Learned Civil Judge, Senior Division, Waduj, District-Satara.

(b) The 6th Family Court at Bandra, Mumbai is directed to transmit the papers and proceedings of Marriage Petition No.A-01668 of 2014 to the Learned Civil Judge, Senior Division, Waduj, District-Satara.

(c) The parties as well as the 6th Family Court at Bandra, Mumbai and the Learned Civil Judge, Senior Division, Waduj, District-Satara to act on an authenticated copy of this Order ;

(d) The parties and/or their Advocates shall appear before the Court of the Learned Civil Judge, Senior Division, Waduj, District-Satara on 19th July. 2017 at 11.00 a.m. and obtain necessary orders/directions.

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

(S.J.KATHAWALLA, J.)