

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

MISC. CIVIL APPLICATION NO.130 OF 2016

Ashwini Nitin Dhumal	...	Applicant
versus		
Nitin Dattatray Dhumal	...	Respondent

Ms. Sayali Bhaidkar i/by Ms. Manjiri Parasnis, for Applicant.
None for Respondent.

CORAM: S.J. KATHAWALLA, J.

DATE: 24th AUGUST, 2017

P.C.:

1. By the above Misc. Civil Application filed under Section 24 of the Code of Civil Procedure, 1908, the Applicant-wife seeks transfer of the Hindu Marriage Petition No.335 of 2014 filed by the Respondent-husband and pending before the Civil Judge, Senior Division, Satara to the Civil Judge, Senior Division, Baramati, Pune.
2. The marriage between the Applicant and Respondent was solemnized on 12-08-2011. Thereafter, on 26-10-2012 a son was born to them who is now five years old. Since disputes arose between the parties from 13th December, 2013, the Applicant and her minor son started residing with her parents. According to the Applicant she is not literate. The Respondent is an agriculturalist. The Applicant has submitted that the distance between Baramati and Satara where the Respondent has filed the divorce Petition is approximately 180 kms to and fro, and it will be

inconvenient for her to travel this distance with her minor son who is five years old. Even otherwise, the Respondent has till date not paid a single rupee towards maintenance of the Applicant and/or their minor son. Her financial condition is therefore, very weak and she is unable to bear the travel expenses to attend the proceedings filed by the Respondent at Satara. It is therefore, submitted that grave inconvenience and hardship will be caused to the Applicant if she is required to travel from Baramati to Satara to attend the divorce proceedings filed by the Respondent at Satara. It is submitted that as against this, the Respondent is already attending the proceedings filed by her before the Court at Baramati being Petition No.18 of 2015 for restitution of conjugal rights. She has therefore, submitted that the relief sought in the above Misc. Civil Application be granted.

3. The Respondent husband has not appeared before the Court despite being served with a copy of the above Misc. Civil Application as well as the orders passed by this Court. In view thereof, in the absence of any defence or contest by the Respondent, the averments contained in the Misc. Civil Application have remained uncontroverted. I see no reason why the statements / submissions made by the Applicant in the above Misc. Civil Application should not be accepted. In the circumstances, I am satisfied that grave inconvenience and hardship will be caused to the Applicant, if the relief sought in the above Misc. Civil Application is not granted. On the other hand, no inconvenience / hardship will be caused to the Respondent who

is already attending/shall be attending the proceedings filed by the Applicant at Baramati. In the circumstances, I pass the following order :

- i. The Hindu Marriage Petition No.335 of 2016 filed by the Respondent before the Civil Judge, Senior Division, Satara, stands transferred to the Civil Judge, Senior Division, Baramati, Pune.
- ii. The Court of Civil Judge, Senior Division, Satara is directed to transmit the papers and proceedings of Hindu Marriage Petition No.335 of 2016 to the Civil Judge, Senior Division, Baramati Pune, on or before 11th September, 2017.
- iii. Parties and / or their Advocates shall appear before the Civil Judge, Senior Division, Baramati, Pune, on 15th September, 2017 at 11.00 a.m. and obtain appropriate orders / directions.
- iv. The parties as well as the learned Civil Judges, Senior Division, Satara and Baramati, Pune to act on an authenticated copy of this order.
- v. A copy of this order shall be forthwith forwarded to the Respondent by the Advocate for the Applicant by Speed Post A.D./Registered Post A.D. and/or by hand delivery.
- vi. The above Misc. Civil Application is allowed in the aforesaid terms, with no order as to costs.

(S.J.KATHAWALLA, J.)