

4. In March 2016, the Respondent-husband filed Marriage Petition No.85 of 2016 seeking restitution of conjugal rights before the Family Court at Thane, which was served on the Applicant only in March 2017. In the meantime, the Applicant-wife in July 2016 filed Divorce Petition No.836 of 2016 before the Court of Civil Judge, Senior Division at Pune. The Applicant has stated that she is required to not only take care of her son who is only three years old, but she is also required to look after her parents who are suffering from various ailments. Her father has undergone open heart surgery and her mother is suffering from severe knee problems. The movements of her parents are therefore very restricted.

5. The Applicant has submitted that though an order dated 08.03.2017 is passed by the Judicial Magistrate First Class, Vadgaon directing the Respondent to pay Rs.15,000/- to the Applicant and her minor son towards maintenance, the Respondent has till date not paid a single rupee on the ground that he is jobless. The Applicant has therefore submitted that grave inconvenience and hardship will be caused to her if she is required to attend the Marriage Petition No.85 of 2016 filed by the Respondent before the Family Court at Thane, whereas no hardship will be caused to the Respondent who claims to be jobless.

6. Despite service the Respondent has not remained present. In view thereof, what is stated by the Applicant in her application has remained uncontroverted. There is no reason why this Court should not accept the submissions made by the Applicant in her application. In the circumstances, I am satisfied that grave inconvenience and

hardship will be caused to the Applicant if the relief sought by her in the above Application is not allowed. I therefore pass the following Order.

7. In the circumstances, I pass the following Order :-

(a) The Marriage Petition being No.A-85 of 2016 filed by the Respondent-husband is directed to be transferred from the Family Court at Thane to the Court of Civil Judge, Senior Division at Pune.

(b) The Family Court at Thane is directed to forthwith transmit the papers and proceedings of Marriage Petition No.A-85 of 2016 to the Court of Civil Judge, Senior Division at Pune.

(c) The parties and/or their Advocates shall appear before the Court of Civil Judge, Senior Division at Pune on 11th September, 2017 at 11.00 a.m. and obtain appropriate orders.

(d) The parties as well as the Family Court at Thane and the Court of Civil Judge, Senior Division at Pune to act on an authenticated copy of this Order.

(e) The Advocate for the Applicant shall serve a copy of this order on the Respondent and also on the Advocate for the Respondent who is representing the Respondent before the Family Court at Thane by Speed Post/Registered Post A.D. and/or by hand-delivery.

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

(S.J.KATHAWALLA, J.)