

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 214 OF 2017

Mrs. Ashwini Vikrant Sakpal ... Applicant

Versus

Mr. Vikrant Vitthalrao Sakpal ... Respondent

Mr. Ganesh Sovani for the Applicant.
None for the Respondent.

CORAM : S.J. KATHAWALLA, J.
DATED : 25th SEPTEMBER, 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 Hindu Marriage Petition No. 102 of 2016 filed by the Respondent-husband pending before the Court of Civil Judge, Senior Division, Panvel to the Court of Civil Judge, Senior Division, Nashik.

2. The marriage between the Applicant and the Respondent was solemnized on 30.11.2008 at Pune. Since disputes arose between the parties, the Applicant left the matrimonial home and started residing separately alongwith her parents from November 2015. On 16th March, 2016, the Applicant-wife filed Hindu Marriage Petition No.102 of 2016 seeking dissolution of marriage before the Court of Civil Judge, Senior Division, Panvel. Thereafter, the Applicant has shifted with her parents to Nashik. The Respondent is residing at Pune. He was attending the divorce

proceedings before the Court at Panvel. The Applicant-wife has submitted that grave inconvenience and hardship will be caused to her if she has to travel from Nashik to Panvel. She has also submitted that though by an order dated 12.01.2017, the Respondent was directed to pay her an amount of Rs.10,000/- towards maintenance, the Respondent has till date not paid a single rupee to the Applicant-wife.

3. The Respondent is served with a copy of the Misc. Civil Application and is also informed by an order dated 24th August, 2017 that this Court has directed that the matter be placed for final hearing on 8th September, 2017. However, the Respondent has failed and neglected to remain present personally and/or through his Advocate. 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 hardship/inconvenience will be caused to the Respondent who is already attending / shall be attending the proceedings filed by the Applicant before the Court at Panvel. In the circumstances, I pass the following order :

(a) The Hindu Marriage Petition being No. 102 of 2016 filed by the Respondent-husband is directed to be transferred from the Court of Civil Judge, Senior Division, Panvel to the Court of Civil Judge, Senior Division, Nashik.

- (b) The Registrar, Court of Civil Judge, Senior Division, Panvel shall ensure that the papers and proceedings of Hindu Marriage Petition No. 102 of 2016 reaches the Court of Civil Judge, Senior Division, Nashik, on or before 10th October, 2017.
 - (c) The parties and/or their Advocates shall appear before the Court of Civil Judge, Senior Division, Nashik on 12th October, 2017 at 11.00 a.m. and obtain appropriate orders.
 - (d) The Court of Civil Judge, Senior Division, Nashik shall endeavour to dispose off the Hindu Marriage Petition No. 102 of 2016 within a period of six months from the date of this Order.
 - (e) The parties shall not seek adjournment/s unless absolutely necessary. The Court of Civil Judge, Senior Division, Nashik shall also not grant adjournment/s to either side unless absolutely necessary.
 - (f) The parties as well as the Court of Civil Judge, Senior Division, Panvel and the Court of Civil Judge, Senior Division, Nashik to act on an authenticated copy of this Order.
 - (g) All contentions of the parties are kept open.
 - (h) The Advocate for the Applicant shall serve a copy of this order on the Respondent by Speed Post/Registered Post A.D. and/or by hand-delivery.
4. The above Miscellaneous Civil Application is accordingly disposed off.

(S.J.KATHAWALLA, J.)