

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO. 215 OF 2016

Mrs. Kiran Sachinkumar Mane ... Applicant

Versus

Mr. Sachinkumar Maruti Mane ... Respondent

Mr. Manish Gaikwad i/b. Mr. Rohidas Bhoir for the Applicant.
None for the Respondent.

CORAM : S.J. KATHAWALLA, J.
DATED : 8TH SEPTEMBER, 2017

P.C.:

1. The above Misc. Civil Application is filed under Section 24 of the Code of Civil Procedure, 1908 by the Applicant wife seeking transfer of the Marriage Petition No.155 of 2015 filed by the Respondent husband from the Civil Judge, Senior Division, Oros, Sindhudurg to the Civil Judge, Senior Division, Thane.

2. The marriage between the parties was solemnized on 17th November, 2014. Disputes arose between the parties in February-2016. In view thereof, the Applicant started residing with her parents at Mumbra at Thane. Thereafter, the Respondent filed Marriage Petition No. 155 of 2015 seeking restitution of conjugal rights under Section 9 of the Hindu Marriage Act, 1955 before the Civil Judge, Senior Division, Sindhudurg.

3. The Applicant has submitted that the distance between her house at

Mumbra, Thane and Sindhudurg is 1000 kms (to and fro). Apart from the fact that she being a single lady, travelling a distance of 1000 kms involving an overnight journey, will cause grave inconvenience and hardship to her, she has no independent source of income to spend a substantial amount towards travelling as well as boarding and lodging expenses of herself as well as one more person who would escort her from Mumbra, Thane to Sindhudurg and back. She has therefore submitted that her above Application be allowed.

4. The Respondent despite being served has not remained present by himself and / or through his Advocate. He has also not filed his Affidavit in Reply to the above Misc. Civil Application. In view thereof, what is stated by the Applicant has remained uncontroverted. I see no reason as to why the statements / submissions made by the Applicant in the above Application should not be accepted. I am therefore satisfied that grave inconvenience and hardship will be caused to the Applicant if she is required to travel a distance of 1000 kms i.e. from Mumbra, Thane to Sindhudurg and back. In the circumstances, I pass the following Order :

- i. Marriage Petition No. 155 of 2015 filed by the Respondent husband before the Civil Judge, Senior Division, Oros, Sindhudurg is transferred to the Civil Judge, Senior Division, Thane.
- ii. The learned Civil Judge, Senior Division, Oros, Sindhudurg shall ensure that the papers and proceedings of the Marriage Petition No. 155 of 2015 are received by the Civil Judge, Senior Division, Thane on or before 22nd September, 2017.

iii. The parties as well as the learned Civil Judge, Senior Division, Oros, Sindhudurg and the Civil Judge, Senior Division, Thane to act on an authenticated copy of this order.

iv. Parties and / or their Advocates shall appear before the Civil Judge, Senior Division, Thane on 25th September, 2017 at 11.00 a.m. and obtain appropriate orders / directions.

iv. The above Application is allowed in the aforesaid terms, with no order as to costs.

(S.J.KATHAWALLA,J.)