

she is not receiving a single rupee from the Respondent towards her maintenance or that of her minor daughter. Though the Applicant has in the year 2016 filed a Petition seeking maintenance for herself and her minor daughter under Section 125 of the Code of Criminal Procedure before the Chief Judicial Magistrate at Alibag, the said Application is not disposed off till date.

3. The Applicant has submitted that she has studied only upto 8th Standard and is jobless. Her minor daughter who is five years old needs her constant care and attention. Therefore, grave inconvenience and hardship will be caused to her if she is required to travel a distance of 130kms. alongwith her minor daughter to attend the matter filed by the Respondent-husband before the Court of Civil Judge, Senior Division at Kalyan. Even otherwise she has no independent source of income to sustain her daily needs and that of her minor daughter and she therefore, cannot bear the travel and other expenses of herself and her daughter from Alibag to Kalyan. As against this the Respondent is already attending the maintenance proceedings before the Chief Judicial Magistrate at Alibag, he is an employee of a well-known company (WIPRO) and is doing well for himself. He shall not be inconvenienced if he is required to travel from Kalyan to Alibag to attend the proceedings if the same are transferred as prayed.

4. Though a copy of the above Miscellaneous Civil Application alongwith a copy of the Order dated 08.08.2017 passed by this Court is received by the Respondent, he has failed to appear before this Court by himself or through his Advocate. In view

thereof, what is stated in the Application has remained uncontroverted. I find no reason as to why the same should not be accepted. Therefore, in my view, the Applicant has made out a case that grave inconvenience and hardship will be caused to her if she alongwith her minor daughter is required to travel from Alibag to Kalyan to attend the proceedings filed by the Respondent before the Court at Kalyan, whereas the Respondent who is well placed, shall not be inconvenienced since he is already attending/shall be attending the proceedings filed by the Applicant under Section 125 of Code of Criminal Procedure seeking maintenance for herself and for her child before the Chief Judicial Magistrate at Alibag. In view thereof, the above Miscellaneous Civil Application is allowed and the following order is passed.

(a) The Hindu Marriage Petition being No.1190 of 2015 filed by the Respondent-husband is directed to be transferred from the Court of Civil Judge, Senior Division at Kalyan to the Court of Civil Judge, Senior Division at Alibag, District-Raigad.

(b) The Court of Civil Judge, Senior Division at Kalyan is directed to transmit the papers and proceedings of Hindu Marriage Petition No. 1190 of 2015 to the Court of Civil Judge, Senior Division at Alibag, District-Raigad, on or before 31st August, 2017.

(c) The parties as well as the Court of Civil Judge, Senior Division at Kalyan and the Court of Civil Judge, Senior Division at Alibag, District-Raigad to act on an authenticated copy of this Order ;

(d) The parties and/or their Advocates shall appear before the Court of Civil Judge, Senior Division at Alibag, District-Raigad on 6th September, 2017 at 11.00 a.m. and obtain necessary orders/directions.

5. The above Miscellaneous Civil Application is accordingly disposed off.

(S.J.KATHAWALLA, J.)