

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO.208 OF 2016**

Mohini Suraj Giri	...	Applicant
versus		
Sujit Arvind Giri	...	Respondent

Mr. Neelesh Kalantri, for Applicant.
None for Respondent.

**CORAM: S.J. KATHAWALLA, J.
DATE: 28th 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.209 of 2014 filed by the Respondent-husband and pending before the Joint Civil Judge, Sr. Div. Rajgurunagar, Pune to the Civil Judge, Senior Division, Nashik.
2. The marriage between the Applicant and Respondent was solemnized on 18-11-2010. A son was born on 31-03-2012, who is now five years old. Since disputes arose between the parties, the Applicant moved to her parental home at Nashik in August 2013. The Applicant has filed a case under the Protection of Women under Domestic Violence Act, 2004 before the Judicial Magistrate, First Class, Nashik, which the Respondent is attending. It is submitted by the Applicant that she is required to look after her son who is five years old. To attend the Court of Civil Judge, Senior Division, Rajgurunagar, Pune, she is required to travel 300 kms

from Nashik to Rajgurunagar (to and fro) on every adjourned date. As against this, the Respondent is already attending the proceedings filed by the Applicant under the Domestic Violence Act at Nashik. It is therefore, submitted that the above Application be allowed, failing which grave inconvenience and hardship will be caused to her.

3. Despite service, the Respondent has failed to remain present by himself and/or through his Advocate. The Advocate for the Applicant was asked to call up the Respondent and enquire whether the Respondent can arrange for a laptop and other equipments to enable the Court at Rajgurunagar where he has filed Hindu Marriage Petition No.209 of 2014 to conduct the proceedings through video-conferencing. However, the learned Advocate for the Applicant informs the Court that the Respondent has declined to do so.

4. As set out hereinabove, the Respondent has not filed his Affidavit in Reply and is also not coming forward to contest the above Application. 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 Nashik.

In the circumstances, I pass the following order :

- i. The Hindu Marriage Petition No.209 of 2014 filed by the Respondent before Civil Judge, Senior Division, Rajgurunagar, Pune stands transferred to the Civil Judge, Senior Division, Nashik.
- ii. The Court Civil Judge, Senior Division, Rajgurunagar, Pune, shall transmit the papers and proceedings of Hindu Marriage Petition No.209 of 2014 to the Civil Judge, Senior Division, Nashik on or before 8th September, 2017.
- iii. Parties and / or their Advocates shall appear before the Civil Judge, Senior Division, Nashik on 11th September, 2017 at 11.00 a.m. and obtain appropriate orders / directions.
- iv. The parties as well as the learned Civil Judges, Senior Division, Rajgurunagar and Nashik 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.)