

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**MISC. CIVIL APPLICATION NO.99 OF 2016
IN
HINDU MARRIAGE PETITION NO.73 OF 2015**

Swati Kiran Bhise	...	Applicant
Versus		
Kiran Rajendra Bhise	...	Respondent

.....
Mr. G.R. Hegde for the Applicant.
Mr. P.D. Pise for the Respondent.
.....

CORAM : S.C.GUPTE, J.

DATE : 8 MARCH 2017

P.C. :

. Heard learned Counsel for the parties.

2 This misc. civil application seeks transfer of a matrimonial proceeding for divorce, being HMP No.73 of 2015, filed by the Respondent from the file of Civil Judge, Senior Division, Sangli to the Family Court at Bandra, Mumbai. It is submitted that there is a maintenance petition, being Maintenance Petition No.E-110 of 2015, filed by the Applicant-wife, which is pending before the Family Court at Bandra, Mumbai. It is submitted that this petition is in any event contested by the Respondent by engaging an advocate. Learned Counsel for the Applicant submits that common questions arise in the two proceedings and common evidence is also likely to be led. It is submitted that the Applicant has no source of income and as been living with her mother at Mumbai with her minor son

of four and half years. On these facts, it is submitted that it is difficult for the Applicant-wife to travel all the way to Sangli which is 350 kilo meters away from Mumbai to attend the matrimonial proceedings.

3 The application is opposed by the Respondent. The only ground urged by the Respondent is that since the proceeding for divorce is prior in point of time, no order of transfer ought to be passed. Considering the fact that the Applicant-wife has no source of income and is living with a minor son, who is barely four and half years, and also considering the fact that in any case the Respondent has been attending the maintenance proceedings in the Family Court, at Bandra, Mumbai, it is in the interest of justice that the divorce petition pending before the Civil Judge, Senior Division, Sangli, be transferred to the Family Court, at Bandra, Mumbai, to be heard alongwith the maintenance proceedings pending before that Court.

4 The Misc. Civil Application is, accordingly, allowed in terms of prayer clause (b).

(S.C. GUPTE, J.)