

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO.163 OF 2014**

Anita Dnyaneshwar Bhegade	...	Applicant
versus		
Dnyaneshwar Ramchandra Bhegade	...	Respondent

Mr. Sachin Dhakephalkar, for Applicant.
None for Respondent.
Applicant present in Court.

CORAM: S.J. KATHAWALLA, J.
DATE: 4th JULY, 2017

P.C.:

1. The above Misc. Civil Application is filed by the Applicant wife under Section 24 of the Code of Civil Procedure, 1908 seeking transfer of Marriage Petition No.162 of 2014 from the Court of Civil Judge, Sr. Division Pune to the Family Court at Bandra, Mumbai.
2. The marriage between the Applicant and Respondent was solemnized on 30-11-2010. After the marriage, the Applicant and Respondent started residing at Ghatkopar. After the marriage, disputes arose between them on frivolous grounds and within a period of six months, the Applicant left the matrimonial home and started residing at Mumbai with her parents. She is giving tuitions and maintaining herself since the Respondent has not paid any maintenance to her. He has instead filed a divorce Petition before the Civil Judge, Sr. Division, Pune.
3. The Applicant has submitted that it is very difficult for her to attend

the matter at Pune since she is residing with her mother who is about 70 years old and is bed ridden. She is also unable to bear the travel expenses or engage services of an Advocate in Pune. Since she has through out stayed at Mumbai, except for a short period with the husband at Talegaon Dhabade, she is not familiar with the Pune City.

4. The Respondent has repeatedly remained absent despite service. Infact, since the Court was informed that the parties have stayed together only for a period of six months and they used to fight over the frivolous issues, the Court directed the parties to remain present before the Court to enable the Court to mediate and explore the possibility of an amicable settlement. The learned Advocate for the Applicant states that he personally met the Respondent in the campus of the High Court and informed him to remain present before the Court so that the matter can be amicably settled. However the Respondent informed the Advocate for the Applicant that he has not engaged any Advocate and he has no time to attend the Court. The Respondent has not filed his reply to the Application and has also not appeared to oppose the above Application. What is stated by the Applicant has therefore remained uncontroverted. In the circumstances mentioned above, this is a fit case for transfer the Marriage Petition No.162 of 2014 as sought by the Applicant. In view thereof, the following order is passed :

(i) Marriage Petition No.160 of 2014 stands transferred from the Court of Civil Judge, Sr. Division, Pune to the Family Court at Bandra, Mumbai.

(ii) The above Misc. Civil Application is disposed of.

(S.J.KATHAWALLA, J.)