

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

**MISC.CIVIL APPLICATION NO. 216 OF 2015**

|                                |               |
|--------------------------------|---------------|
| Sou Sarika Prashant Mokashe    | ...Applicant  |
| vs.                            |               |
| Shri Prashant Raosaheb Mokashe | ...Respondent |

Mr.R.S. Alange for Applicant.  
Mr.Kuldeep V. Nikam for Respondent.

**CORAM : S.C. GUPTE, J.**

**25 JANUARY 2017**

**P.C. :**

This MCA seeks transfer of a marriage petition pending on the file of Family Court at Pune to the Civil Judge, Senior Division, Solapur.

2           The Respondent has filed a petition for divorce under Section 13(1)(i-a) of the Hindu Marriage Act, 1955. The Applicant herein for her part has filed a petition before the Civil Judge, Senior Division at Solapur under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. The Applicant has also filed a criminal miscellaneous application before the Chief Judicial Magistrate, First Class, Solapur under the Domestic Violence Act.

3           It is the Applicant's case that the Applicant is unable to travel to Pune alone and has to depend on her parents. She has to travel to Pune from Solapur. She lives in village Nanaj, which is situated in a remote place in Solapur and does not have a proper and effective transport connection to come to Solapur which is 25 kms. away. After reaching Solapur, the Applicant requires a further five hours journey to reach Pune to defend the

matrimonial proceedings. On her return from Pune to Solapur on the same day, there are no buses available to ferry her to the native place at Nanaj. The Respondent, on the other hand, has a place of business at Solapur and he also frequently resides at Solapur. On these facts, the application made by the Applicant for transfer of proceedings appears to be deserving of relief. The Respondent, in any event, has been defending two proceedings at Solapur, namely, the Applicant's petition for restitution of conjugal rights and also her criminal miscellaneous application under the Domestic Violence Act. In any event, the divorce petition may have to be conveniently heard along with the petition for restitution and it is proper and in the interests of justice that it is the court at Solapur which should hear both rather than the court at Pune.

4           In the premises, the MCA is allowed in terms of prayer clause (b). The learned Civil Judge, Senior Division, Solapur is directed to hear the divorce petition along with Hindu Marriage Petition No.8/2015.

5           The parties to act on the authenticated copy of this order.

**(S.C. Gupte, J.)**