

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

MISC. CIVIL APPLICATION NO.252 OF 2016

Madhavi Chandrakant Magdum	...	Applicant
versus		
Chandrakant Surendra Magdum	...	Respondent

Mr. Balwant Salunke, for Applicant.
Mr. Nagesh Chavan, 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 Divorce Petition No.392 of 2016 filed by the Respondent husband and pending before the Family Court at Pune to the Civil Judge, Senior Division, Sangli.
2. The marriage between the Applicant and Respondent was solemnized on 11-05-2013. After the marriage, a son was born on 25-02-2014, who is now three years old. Since disputes arose between the parties, the Applicant along with her son started residing with her parents at Village Savawadi, Tal. Miraj, Sangli. Thereafter, the Applicant filed a case under the Protection of Women from Domestic Violence Act, 2005 before the Chief Judicial Magistrate, Sangli bearing M.A.No.3060 of 2016, which case the Respondent is attending at Sangli. The Applicant has submitted that

grave inconvenience and hardship will be caused to her if she is required to travel from Village Savalwadi, Tal. Miraj to Pune to attend the proceedings filed by the Respondent along with her child who is about three years old. She has submitted that till date, she has not received any maintenance from the Respondent for herself and/or her minor son. As against this it is submitted that the Respondent has a house at Sangli and is also attending the proceedings filed by the Applicant under the Protection of Women from Domestic Violence Act, 2005 at Sangli. The Applicant has submitted that if the above Application is not allowed, grave inconvenience and hardship will be caused to her since she will have to travel a distance of about 500 kms (to and fro) on every adjourned date.

3. The Respondent has not filed his Affidavit in Reply. However, the Advocate for the Respondent has submitted that inconvenience will be caused to the Respondent if the Petition filed by the Respondent is transferred to Sangli.

4. I have considered the submissions advanced on behalf of the parties. As submitted by the Applicant the distance between Village Savalwadi, Tal. Miraj (where she resides) and the Court at Pune, where the Respondent has filed a Petition seeking divorce, is 500 kms (to and fro). The Applicant will certainly be inconvenienced if she has to travel along with her three years old son a distance of 500 kms (to and fro) from Sangli to the Family Court at Pune on every adjourned date fixed by the Family Court at Pune. It is also the case of the Applicant that she has

not received any maintenance for herself or for her son from the Respondent ever since she and the Respondent started residing separately. It is also pointed out that the Respondent is already attending the proceedings filed by her at Sangli. In view thereof, the balance of convenience is completely in favour of the Applicant and against the Respondent. In the circumstances, I pass the following order :

(i) The Divorce Petition No.392 of 2016 filed by the Respondent before the Family Court at Pune stands transferred to the Civil Judge, Senior Division, Sangli.

(ii) The Registrar, Family Court at Pune is directed to transmit the papers and proceedings of Divorce Petition No.392 of 2016 to the Civil Judge, Senior Division, Sangli on or before 8th September, 2017.

(iii) The parties and/or their Advocates shall appear before the Civil Judge, Senior Division, Sangli, on 11th September, 2017 at 11.00 a.m., and obtain necessary orders/directions.

(iv) The Civil Judge, Senior Division, Sangli shall endeavour to hear and dispose off the Divorce Petition No.392 of 2016 within a period of six months from 11th September, 2017. The Civil Judge, Senior Division, Sangli, shall not grant any adjournments to the parties unless absolutely necessary. The parties too shall not seek any adjournments unless absolutely necessary.

(v) The parties as well as the Family Court at Pune and the Civil Judge,

Senior Division, Sangli shall act on an authenticated copy of this order.

(vi) The above Misc. Civil Application is accordingly disposed of with no order as to costs.

(S.J.KATHAWALLA, J.)