

3. The Applicant and the Respondent were married on 30.06.2009 at Yavatmal. There are two children born to the Applicant and the Respondent on 15.08.2010 and 15.06.2013.
4. Since disputes arose between the parties, the Applicant and the Respondent started residing separately. According to the Applicant, she alongwith her daughter have filed Miscellaneous Civil Application No.17 of 2015 before the Judicial Magistrate First Class at Yavatmal under Section 125 of the Code of Criminal Procedure.
5. The Respondent filed Divorce Petition being No.160 of 2014 before the Learned Civil Judge Senior Division at Baramati, Pune.
6. It is submitted on behalf of the Applicant that to reach the Court at Baramati, District : Pune, she is required to travel approximately 500kms. from her residence at Yavatmal. The same would involve an overnight journey. To undertake the overnight journey alongwith her minor daughter who is about four years old would cause grave inconvenience and hardship to her. Even otherwise, she is residing with her parents at Yavatmal. She is unemployed and does not have any source of income to bear the travel expenses as well as boarding and lodging expenses at Baramati during each date of hearing. In any event, the Respondent is attending/shall be attending the Miscellaneous Civil Application filed by her being No.17 of 2015 before the Judicial Magistrate First Class at Yavatmal under Section 125 of the Code of Criminal Procedure.

7. As stated earlier, the Respondent has not filed his Affidavit-in-Reply to the above Application though he is represented before this Court by his Advocate since the last one year. However, his Advocate has submitted that the Applicant ought to attend the proceedings at Baramati, District - Pune. Both the Advocates have agreed that video conference facilities are not available at Yavatmal.

8. I have considered the submissions advanced on behalf of the Applicant and the Respondent. The submissions made on behalf of the Applicant are not seriously disputed on behalf of the Respondent. From the above submissions made by/on behalf of the Applicant, it is clear that if the Applicant, who is required to look after her four years old daughter, has to undertake a journey of about 800-1000 kms. (to and fro) which involves an overnight stay at Baramati, District : Pune to attend the divorce proceedings filed by the Respondent-husband at Baramati, the same will cause grave inconvenience and hardship to the Applicant. Even otherwise, the Applicant is a housewife who has no independent source of income and the financial condition of her parents is weak and she has no means to finance her travel and lodging and boarding expenses on each date of hearing. No case is made out by the Respondent except submitting that the Applicant ought to attend the proceedings at Baramati, District : Pune filed by the Respondent. The balance of convenience is therefore, completely in favour of the Applicant and against the Respondent.

9. In the light of the above, the Miscellaneous Civil Application for transfer is required to be allowed and I therefore, pass the following order :

- (a) The Divorce Petition No. 160 of 2014 filed by the Respondent-husband is directed to be transferred from the Civil Judge Senior Division at Baramati to the Court of Civil Judge Senior Division at Yavatmal.
- (b) The Civil Judge Senior Division at Baramati is directed to transmit the papers and proceedings of Divorce Petition No. 160 of 2014 to the Court of Civil Judge Senior Division at Yavatmal.
- (c) The parties as well as the Civil Judge Senior Division at Baramati and the Court of Civil Judge Senior Division at Yavatmal to act on an authenticated copy of this Order ;
- (d) The parties and/or their Advocates shall appear before the Court of Civil Judge Senior Division at Yavatmal on 27th July, 2017 at 11.00 a.m. and obtain appropriate orders/directions.
7. The Miscellaneous Civil Application is allowed in the aforesaid terms, with no order as to costs.

(S.J.KATHAWALLA, J.)