

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO.276 OF 2017**

Samruddhi Shyam Shinde	...	Applicant
versus		
Shyam Arjun Shinde	...	Respondent

Mr. D.C.Awari, for Applicant.
None for Respondent.

**CORAM: S.J. KATHAWALLA, J.
DATE: 24th 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 Hindu Marriage Petition No.26 of 2016 filed by the Respondent-husband and pending before the Civil Judge, Senior Division, Satara to the Family Court at Pune.

2. The marriage between the Applicant and Respondent was solemnized on 13-12-2006. Thereafter, a daughter was born to them who is now nine years old. Since disputes arose between the parties, the Applicant and her minor daughter started residing with her parents at Pune since 06-10-2008. It is submitted by the learned Advocate for the Applicant that in order to attend the proceedings filed by the Respondent at Satara, the Applicant is required to travel 300 kms. to and fro. The financial condition of her parents is very weak and the Respondent has not paid a single rupee towards maintenance of herself and her minor daughter. She is working as

a typist at Pune for which she is getting a salary of Rs.4,000/- per month. She is also required to take care of her daughter who is in the 5th standard. It is further submitted that if the Applicant takes leave to attend the divorce proceedings at Satara on the adjourned dates, she may lose her job, which she cannot afford to do since she and her minor daughter are surviving only on her meager salary of Rs.4,000/-. It is therefore, submitted that grave inconvenience and hardship will be caused to the Applicant if she is required to travel from Pune to Satara to attend the divorce proceedings filed by the Respondent at Satara.

3. The Respondent husband has not appeared before the Court despite being served with a copy of the above Misc. Civil Application as well as the orders passed by this Court. In the absence of any defence or contest by the Respondent, the averments contained in the Misc. Civil Application have remained uncontroverted. I see no reason why the statements / submissions made by the Applicant in the above Misc. Civil Application should not be accepted. In the circumstances, I am satisfied that grave inconvenience and hardship will be caused to the Applicant, if the relief sought in the above Misc. Civil Application is not granted. In the circumstances, I pass the following order :

i. The Hindu Marriage Petition No.26 of 2016 filed by the Respondent before the Civil Judge, Senior Division, Satara, stands transferred to the Family Court at Pune.

- ii. The Court of Civil Judge, Senior Division, Satara, shall transmit the papers and proceedings of Hindu Marriage Petition No.26 of 2016 to the Family Court at Pune, on or before 8th September, 2017.
- iii. Parties and / or their Advocates shall appear before the Family Court at Pune, on 11th September, 2017 at 11.00 a.m. and obtain appropriate orders / directions.
- iv. The Family Court at Pune shall endeavour to hear and dispose off Hindu Marriage Petition No.26 of 2016 within a period of six months from 11th September, 2017. The Family Court at Pune, shall not grant any adjournments to the parties unless absolutely necessary. The parties too shall not seek any adjournments unless absolutely necessary.
- v. A copy of this order shall be forthwith forwarded to the Respondent by the Advocate for the Applicant by Speed Post A.D./Registered Post A.D. and/or by hand delivery.
- vi. The parties as well as the learned Civil Judge, Senior Division, Satara and the Family Court at Pune to act on an authenticated copy of this order.
- vii. The above Misc. Civil Application is allowed in the aforesaid terms, with no order as to costs.

(S.J.KATHAWALLA, J.)