

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 119 OF 2017

Mrs. Jayshri Sachin Lokhande ... Applicant

Versus

Mr. Sachin Ashok Lokhande ... Respondent

Mr. Nitesh Mohite i/by Mr. Jaydeep Mane for the Applicant.

Ms. Manisha Devkar i/by Mr. S.M. Katkar for the Respondent.

CORAM : S.J. KATHAWALLA, J.

DATED : 25th SEPTEMBER, 2017

P.C.:

1. By the above Miscellaneous Civil Application filed under Section 24 of the Code of Civil Procedure, 1908, the Applicant-wife seeks transfer of Hindu Marriage Petition No. 75 of 2016 filed by the Respondent-husband pending before the Court of Civil Judge, Senior Division, Vaduj, District : Satara to the Family Court, Solapur.
2. The marriage between the Applicant and the Respondent was solemnized on 17.12.2013. Since disputes arose between the parties, the Applicant left the matrimonial home and started residing with her parents from 22nd December, 2014. The Applicant has filed Criminal Miscellaneous Application No.1162 of 2016 under the Protection of Women From Domestic Violence Act, 2005 before the Judicial Magistrate, First Class, Solapur. The Applicant has also filed an Application under Section 498-A of the Indian Penal Code at Jodbhavi Police Station vide C.R. No. 240 of 2014 against the Respondent and others and the same is numbered as RCC No.644 of 2015 and is pending before the Court of Judicial Magistrate, First Class, Solapur.
3. The Applicant has submitted that the distance between satara to Solapur is

approximately 160kms. (one way). Her parents are very old and sick. She is not receiving any maintenance from the Respondent till date and is totally dependent upon her parents. She has therefore submitted that grave inconvenience and hardship will be caused to her if she is required to travel from Solapur to the Court at Vaduj, District : Satara on every date of hearing before the Court of Civil Judge, Senior Division, at Vaduj, District : Satara. She therefore submitted that the above Application be allowed.

4. On 9th August, 2017, this Court passed an order directing that the above Miscellaneous Civil Application be placed for hearing and final disposal at the stage of admission on 24th August, 2017 and a copy of the Miscellaneous Civil Application be served on the Respondent. On 14th September, 2017, the Advocate for the Respondent was present in Court. On that day, this Court directed that the above Application to be placed for hearing on 22nd September, 2017. On 22nd September, 2017, the matter was adjourned to 25th September, 2017. However, the Respondent has till date not filed his Affidavit-in-Reply to the above Miscellaneous Civil Application. In view thereof, what is stated by the Applicant in her Application has remained uncontroverted. There is no reason why this Court should not accept the submissions made by the Applicant in her application. I am therefore satisfied that grave inconvenience and hardship will be caused to the Applicant if she is required to travel from Solapur to Satara on every adjourned date. In the circumstances, I pass the following Order.

- (a) The Hindu Marriage Petition being No. 75 of 2016 filed by the Respondent-husband is directed to be transferred from the Court of Civil Judge, Senior Division, Vaduj, District : Satara to the Family Court, Solapur.
 - (b) The Registrar, Court of Civil Judge, Senior Division, Vaduj, District : Satara shall ensure that the papers and proceedings of Hindu Marriage Petition No. 75 of 2016 reaches the Family Court, Solapur, on or before 10th October, 2017.
 - (c) The parties and/or their Advocates shall appear before the Family Court, Solapur on 12th October, 2017 at 11.00 a.m. and obtain appropriate orders.
 - (d) The Family Court at Solapur shall endeavour to dispose off the Hindu Marriage Petition No. 75 of 2016 within a period of six months from the date of this Order.
 - (e) The parties shall not seek adjournment/s unless absolutely necessary. The Family Court at Solapur shall also not grant adjournment/s to either side unless absolutely necessary.
 - (f) The parties as well as the Court of Civil Judge, Senior Division, Vaduj, District : Satara and the Family Court at Solapur to act on an authenticated copy of this Order.
 - (g) All contentions of the parties are kept open.
 - (h) The Advocate for the Applicant shall serve a copy of this order on the Respondent by Speed Post/Registered Post A.D. and/or by hand-delivery.
5. The above Miscellaneous Civil Application is accordingly disposed off.

(S.J.KATHAWALLA,J.)