

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

MISC. CIVIL APPLICATION NO.51 OF 2017

Pallavi Amar Gajakosh	...	Applicant
versus		
Amar Shrikant Gajakosh	...	Respondent

Mr. Samir Kumbhakoni, for Applicant.
Dr. Prakash Deshmukh, for Respondent No.1.

CORAM: S.J. KATHAWALLA, J.

DATE: 9th JUNE, 2017

P.C.:

1. By the above Application, the Applicant wife is seeking transfer of the marriage Petition filed by the Respondent husband from the Family Court at Pune to the Court at Solapur. The marriage between the Applicant and the Respondent took place on 27th June, 2012 at Solapur. Parents of the Applicant as well as the Respondent are residing at Solapur. After the marriage, the Applicant and the Respondent resided at Pune since the Respondent was working at Pune. In view of the disputes between the parties, the Applicant left Pune for Solapur and started residing with her parents at Solapur. In the year 2014, the Applicant filed an Application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 against the Respondent before the JMFC at Solapur. Thereafter, the Respondent on 18th September, 2014 filed the marriage Petition under Section 13 (1)

(ia) and (ib) of the Hindu Marriage Act, 1955 seeking dissolution of the marriage between the Applicant and the Respondent.

2. The Applicant has submitted that though the Applicant is residing with her parents at Solapur and the permanent residence of the Respondent is also at Solapur and his parents continue to reside at Solapur, only to harass the Applicant the Respondent has filed the divorce Petition at Pune after she filed an Application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 in the year 2014. The journey from Solapur to Pune would take five hours one way. The Applicant has no residence at Pune. It would therefore be very difficult for her to travel from Solapur to Pune. It is submitted that the Respondent attends the proceedings filed by the Applicant under the Protection of Women from Domestic Violence Act, 2005 at Solapur and since the allegations made by the parties against each other are also common, the marriage Petition filed by the Respondent before the Family Court at Pune be transferred to the Family Court at Solapur.

3. Since the Respondent is a permanent resident of Solapur and his parents are also residing at Solapur and the Applicant along with her parents is also residing at Solapur and the Respondent is also attending the proceedings filed by the Applicant under the Protection of Women from Domestic Violence Act, 2005 at Solapur, I am of the view that it would be appropriate to transfer the marriage Petition filed by the Respondent before the Family Court at Pune to the Family Court at Solapur instead of

directing the Applicant Wife to undertake a journey of approximately 10 hours (to and fro) from Solapur to Pune to attend the matrimonial proceedings despite her not having any relatives at Pune. When this Court informed the Advocate for the Respondent that the Court is proceeding to transfer the matrimonial proceedings filed by the Respondent before the Family Court at Pune to the Family Court at Solapur, it was submitted on behalf of the Respondent that in that event I should request the Family Court at Solapur to expedite the hearing and request the Court at Solapur to pronounce its Judgment within a stipulated period of time. The learned Advocate appearing for the Respondent has also submitted that the Applicant should undertake to remain present on the adjourned dates before the Court/s at Solapur and not remain absent, since that will cause grave inconvenience and harassment to the Respondent, who will be visiting Solapur all the way from Pune. In view thereof, I pass the following order :

- i. The marriage Petition filed by the Respondent before the Family Court at Pune is transferred to the Family Court at Solapur.
- ii. The learned Judge at Solapur shall endeavour to record the evidence of the parties and pronounce Judgment within a period of six months from the date of this order.
- iii. The undertaking of the parties to cooperate with the Court/s at Solapur and not seek adjournment unless absolutely necessary, is accepted.

- iv. The learned Judge at Solapur shall not grant adjournments to either side unless absolutely necessary.
- v. Parties shall be at liberty to request the learned Judge at Solapur to record the evidence in camera.
- vi. The above Misc. Civil Application is accordingly disposed off.

(S.J.KATHAWALLA, J.)