

rights before the Learned Civil Judge Senior Division at Kolhapur being Hindu Marriage Petition No.34 of 2014 on 16.11.2014. According to the Applicant, she has studied only upto 6th Standard and does not have experience or knowledge of work. She is unemployed. She is not paid any maintenance for herself or her child by the Respondent though he runs a hotel named 'Jai Bhavani Hotel' at Kolhapur. She is therefore facing grave financial problems. The Applicant has no relatives at Kolhapur. The distance between her house and the Court at Kolhapur where the Respondent has filed the proceedings is about 400 kms. (one way). She also cannot afford the travel expenses between Mumbai to Kolhapur as well as the boarding and lodging expenses at Kolhapur. She has submitted that grave inconvenience and hardship will be caused to her, if she is required to travel to Kolhapur all the way from Mumbai alongwith her child on the various court dates. She has submitted that instead it will be convenient for the respondent to attend the Family Court at Bandra, since he is already attending the proceedings filed by her before the Family Court at Bandra seeking maintenance.

3. The Learned Advocate appearing for the Respondent states that despite repeated requests, the Respondent is not coming forward to give him any instructions in the matter.

4. In the circumstances, it is clear that the distance between the residence of the Applicant and the Court at Kolhapur where the Respondent has filed Marriage Petition No.34 of 2014 is 800kms. (to and fro). The same will therefore, involve an overnight journey. As stated by the Applicant she has no relatives or friends at

Kolhapur who can arrange an overnight stay for her and her child. The Applicant has attended school only upto 6th standard and is jobless. The Respondent has till date not paid her any maintenance for herself or for the minor child. It is not possible for her to bare the travel expenses as well as expenses for boarding and lodging. Therefore, grave inconvenience and hardship will be caused to the Applicant if she is required to travel between Mumbai and Kolhapur with a child who is around six years old, to attend to the Matrimonial Petition filed by the Respondent at Kolhapur. The Respondent despite having engaged an Advocate has not filed his Affidavit-in-Reply to the above Application and is not giving instructions to his Advocate despite repeated requests.

5. In the light of the above, the following order is passed.

(a) The Hindu Marriage Petition being No.34 of 2014 filed by the Respondent-husband is directed to be transferred from the Court of Civil Judge Senior Division at Kolhapur to the Family Court, 6th Court at Bandra.

(b) The Court of Civil Judge Senior Division at Kolhapur is directed to transmit the papers and proceedings of Hindu Marriage Petition No.34 of 2014 to the Family Court, at Bandra, where the petition filed by the Applicant seeking maintenance is pending.

(c) The parties as well as the Court of Civil Judge Senior Division at Kolhapur and the Family Court, at Bandra to act on an authenticated copy of this Order.

(d) The parties and/or their Advocates shall appear before the Family Court at Bandra on 3rd August, 2017 at 11.00 a.m. to obtain appropriate orders/directions.

(e) A copy of this Order shall be served by the Advocate for the Applicant on the Respondent by Speed Post/Registered Post A.D. and/or by hand-delivery at his last known address, and a copy of this order shall also be served on the Advocate appearing for the Respondent before the Family Court at Bandra in Maintenance Petition No.C-24 of 2015 for being forwarded to the Respondent.

6. Miscellaneous Civil Application is allowed in the aforesaid terms, with no order as to costs.

(S.J.KATHAWALLA, J.)