

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

MISC. CIVIL APPLICATION (ST.) NO. 7854 OF 2018

Anupriya Santosh Unnithan	...	Applicant
V/s.		
Santosh Ramchandra Unnithan	...	Respondent

- Mr.Umesh H. Pawar for the Applicant.
- Mr.Santosh R. Unnithan, Respondent-in-person is present.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 25th JULY, 2018.

P.C. :

1] Heard Mr.Umesh H. Pawar, learned counsel for the Applicant and Mr.Santosh R. Unnithan, Respondent- in-person.

2] This application is filed by the Applicant-wife under Section 24 of the Code of Civil Procedure for transfer of the petition bearing Petition No.A-102 of 2017 filed by the Respondent in the Court Family Court at Kolhapur to the Family Court at Pune.

3] Perused the 'Affidavit-in-Reply' filed by the Respondent in-person. The Respondent has strongly resisted this application.

4] Brief facts of the case are as under :

Applicant is the wife, who is presently residing at Yamunanagar, Nigdi, Pune. Respondent-husband has filed Petition No.A-102 of 2017 in the Family Court at Kolhapur for '*dissolution of marriage*'. As per the case of the Applicant, she is having the custody and the responsibility of a minor son, who is of the age of 2 and half years. Therefore, she is finding it difficult to attend the proceeding in the Family Court at Kolhapur, as Kolhapur is at the distance of about 300 km one way from Nigdi, Pune and it takes more than 10 to 12 hours for travel to and fro. Hence, having regard to her difficulties, she has requested for transfer of Petition No.A-102 of 2017 from the Family Court at Kolhapur to the Family Court at Pune.

5] Respondent has resisted this application contending *inter-alia* that he is having the service and he will face more difficulties, if he has to attend the Family Court at Pune from Kolhapur. According to him, his old father accompanies him and he will face more difficulties on account of his age.

6] However, it is pointed out that the Applicant has already filed the proceeding bearing M.A. No.907 of 2017 under Section 12 of '*The Protection of Women from Domestic Violence Act, 2005*' in the

Court of Judicial Magistrate, First Class, Pimpri and the Respondent is attending the same. Therefore, the Respondent can very well attend the proceeding of '*dissolution of marriage*' also, if it is transferred to the Family Court at Pune. As against it, the Applicant being a lady and having the responsibility of a small child of two and half years, will definitely face more inconvenience and hardship, which is recognized as a ground for transfer and therefore, her application needs to be allowed in order to enable her to defend the proceeding effectively.

7] Hence, the Application is allowed and following order is passed.

- (a) *Petition No.A-102 of 2017 pending on the file of Family Court at Kolhapur is transferred to the Family Court at Pune.*
- (b) *The Family Court, Kolhapur is directed to transfer the record and proceeding to the Family Court, Pune, immediately.*
- (c) *Registry to inform the concerned Courts accordingly.*

[DR.SHALINI PHANSALKAR-JOSHI, J.]