

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

MISCELLANEOUS CIVIL APPLICATION NO.170 OF 2018

Sou. Smita Vishnu Raje-Kumbhar	...Applicant
Versus	
Vishnu Balwant Raje-Kumbhar	...Respondent

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Mr. Nagesh Y. Chavan for the Applicant.
Ms Nargis R. Syed I/b. M/s. Azure Legal for the Respondent.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 19th DECEMBER, 2018.

P.C.:-

This is an application filed by the aforesaid Applicant under Section 24 of the Civil Procedure Code for transfer of Marriage Petition No.76 of 2018 from the 8th Assistant Civil Judge, Senior Division, Thane to Civil Judge, Senior Division, Sangli.

2. Heard the learned counsel for the respective parties.
3. The records indicate that the Applicant and the Respondent were married in the year 2002. They have three children from the said wedlock. All three children are minors. The matrimonial discord between the parties has led to filing of marriage petition. The said

petition is filed by the Respondent-husband and is pending before the learned C.J.S.D., Thane.

4. It is not in dispute that the Applicant-wife is residing at Sangli since 2017. It is stated that she is unemployed and residing with her parents. All three children are residing with the Applicant at Sangli. The eldest daughter is 14 years of age and schooling at Sangli while the other two are twins, born prematurely. The Applicant has stated that one of the twins is deaf and dumb and the other child is also suffering from congenital heart disease.

5. The Respondent disputes that the child suffers from congenital heart disease. In my considered view, it is not necessary to go into the veracity of the said statement. The fact is that the Applicant is living with her parents with three minor children. One of the children is schooling at Sangli. The twins are prematurely born and one of them is deaf and dumb. Under these circumstances compelling the Applicant to travel a distance of over 350 kms, leaving behind the minor children, will not only cause hardship and inconvenience to the Applicant but will not be in the interest of these minor children. Hence, the application is allowed in terms of prayer

clause (b). Marriage Petition No.76 of 2018 pending before 8th Assistant Civil Judge, Senior Division, Thane is transferred to Civil Judge, Senior Division, Sangli.

6. The learned learned 8th Assistant Civil Judge, Senior Division, Thane, is hereby directed to transmit the papers and proceedings of the Marriage Petition No.76 of 2018 to Civil Judge, Senior Division, Sangli, by following necessary procedure. Parties to appear before the Civil Judge, Senior Division, Sangli, on 21.1.2019.

(SMT. ANUJA PRABHUDESSAI, J.)