

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

MISCELLANEOUS CIVIL APPLICATION NO.173 OF 2018

Rupali Yogesh Bhosle	...Applicant
Versus	
Yogesh Shrimant Bhosle	...Respondent

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Mr. Pritam P. Runwal for the Applicant.

Mr. V.R. Garad with Ms Shraddha Pawar for the Respondent.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 12th DECEMBER, 2018

P.C.:-

This is an application under Section 24 of the CPC seeking transfer of Marriage Petition No.216 of 2017 pending on the file of the learned C.J.S.D., Barshi to Family Court, Thane.

2. The Applicant and the Respondent were married in the year 2013. They have a child from the said wedlock. The marital discord between the parties resulted in filing of the divorce petition. The said petition i.e. Marriage Petition No.216 of 2017 is filed by the Respondent before the C.J.S.D., Barshi. The Applicant has stated that she is residing with her parents at Koparkhairane, Navi Mumbai alongwith her minor child, who is two years of age. She has stated

that distance between her parental home and the Court at Barshi is approximately about 400 km. The learned counsel for the Applicant submits that considering the age of the Applicant's son, travelling from Koparkhairane to Barshi would cause great inconvenience and hardship to her. He has further submitted that the Respondent is a police constable and presently posted at Solapur. He is earning Rs.35,000/-per month and has no dependents. He has stated that no inconvenience would be caused to the Respondent, if the matter is transferred to Thane.

3. The Respondent has filed his affidavit-in-reply. He has stated that the Applicant is working in a Bank and she earns around Rs.30,000/- per month.

4. It is to be noted that the Applicant is a lady of 27 years of age and she is living with her parents at Koparkhairane with her minor son, who is barely two years of age. The distance between the parental home of the Applicant and the Court at Barshi is about 400 kms. Compelling the Applicant to attend the hearing at Barshi will not only cause inconvenience to the Applicant but it will also not be in the interest of the minor child. Hence, the Application is allowed. The

Marriage Petition No.216 of 2017 pending on the file of the C.J.S.D., Barshi is transferred to Family Court, Thane.

5. The learned Civil Judge, Senior Division, Barshi is hereby directed to transmit the papers and proceedings of the Marriage Petition No.216 of 2017 to the Family Court, Pune, by following necessary procedure. Parties to appear before the Family Court, Thane, on 20.1.2019.

(SMT. ANUJA PRABHUDESSAI, J.)