

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

MISCELLANEOUS CIVIL APPLICATION NO.291 OF 2018

Sou. Vijaya Amar Chavan	...Applicant
Versus	
Amar Jaysingrao Chavan	...Respondent

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Mr. Pradeep D. Dalvi for the Applicant.
Mr. Abhijeet B. Desai for the Respondent.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 19th DECEMBER, 2018.

P.C.:-

By this application, the Applicant -wife has sought transfer of Marriage Petition No.26 of 2016 pending on the file of the learned C.J.S.D., Gadhinglaj to the learned C.J.S.D., Kolhapur.

2. Heard Mr. Pradeep Dalvi, the learned counsel for the Applicant and Mr. Abhijeet B. Desai for the Respondent. Perused the records.

3. The Applicant and the Respondent were married on 9.7.2004. They have no children from the said wedlock. Marital discord between the parties led to filing of divorce proceedings being

Marriage Petition No.26 of 2016. Furthermore, the Applicant-wife had also filed an application under Section 125 proceedings, before the learned J.MF.C., Vadgaon. The said proceedings are disposed of and the Respondent-husband has challenged the order under Section 125 before the Sessions Judge, Kolhapur.

4. The Applicant is a resident of Nave Pargaon, Taluka-Hatkanagale, District-Kolhapur. The Applicant has stated that she is unemployed and that though she has been granted maintenance of Rs.3,000/- per month in the proceedings under Section 125, the Respondent-husband has not complied with the order and that she has filed execution application. The learned counsel for the Respondent concedes that the Respondent-husband is in arrears of Rs.1,00,000/- approximately.

5. Considering the above facts and also considering the fact that the appeal arising from section 125 is also pending before the Sessions Judge, Kolhapur, in my considered view it is just and proper to transfer the Marriage Petition No.26 of 2016 pending on the file of the learned C.J.S.D. Gadhinglaj to the learned C.J.S.D., Kolhapur. This will obviate hardship and inconvenience to the Applicant, who is

unemployed and who has been compelled to file execution to recover maintenance.

6. Hence, the application is allowed in terms of prayer clause (b). The Marriage Petition No.26 of 2016 pending on the file of the learned C.J.S.D., Gadhinglaj is transferred to the learned C.J.S.D., Kolhapur.

7. The learned Civil Judge, Senior Division, Gadhinglaj is hereby directed to transmit the papers and proceedings of the Marriage Petition No.26 of 2016 to the learned Civil Judge, Senior Division, Kolhapur, by following necessary procedure. Parties to appear before the learned Civil Judge, Senior Division, Kolhapur, on 14.1.2019.

(SMT. ANUJA PRABHUDESSAI, J.)