

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

MISC. CIVIL APPLICATION NO. 19 OF 2018

Mrs.Gauri Sudhakar Gharge ...Applicant

Versus

Mr. Sudhakar Baban Gharge ...Respondent

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Mr.V.S.Talkute for the Applicant.
Mr.Satyaram R. Gaud for the Respondent.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: APRIL 16, 2018**

P.C. :

1. Leave to amend the cause title. Amendment is to be carried out forthwith.
2. This Application is filed under Section 24 of the Code of Civil Procedure by the applicant/wife for transfer of the Marriage Petition No. A 308 of 2017 filed by the respondent/ husband for divorce under Section 13 (1) (ia) of the Hindu Marriage Act, 1955, which is pending before the Family Court, Thane, to be transferred to the Court of Civil Judge, Senior Division, Satara.

3. The learned Counsel for the applicant/wife submits that the applicant is residing at Phaltan, Satara. The distance between Thane to Phaltan is about 270 k.m., so the applicant is required to travel alone to attend the Court dates at Thane from Phaltan, Satara. She is not working. He further submits that the applicant has not filed any proceedings against the respondent/husband.

4. The learned Counsel for the respondent/husband while opposing this Application, submits that the respondent is working and, therefore, it is not possible for him to travel 270 k.m. from Thane to Satara. He further submits that there is no issue to the couple out of the wedlock and hence, the applicant can travel. He gives an alternative proposal of shifting the matter to the Family Court, Pune and that will be easy to both the parties to attend the matter at Family Court, Pune, which is in between Thane and Phaltan. The distance between Thane to Pune is 150 k.m.

5. In view of the above submissions and considering the facts and circumstances of the case, I am of the view that the proposal given by the learned counsel for the respondent/husband of fixing

the place of litigation in between the place of residence of both the parties is appropriate and workable. Hence, I pass the following order.

ORDER

i) Marriage Petition No. A 308 of 2017 pending before the Family Court, Thane is hereby transferred to the Family Court, Pune.

ii) The Nazir/ Superintendent of the Family Court, Thane is directed to transfer the Marriage Petition No. A 308 of 2017 to the Family Court, Pune, on or before 4th May, 2018.

iii) The parties to appear before the learned Principal Judge or the learned Judge of the Family Court, Pune to whom the matter is assigned on 5th June, 2018 at 11.00 a.m.

6. Miscellaneous Civil Application is disposed of on the above terms.

(MRIDULA BHATKAR, J.)