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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Miscellaneous Civil Application No. 252 of 2018

Mrs. Shubhangi Rajesh Sabne	...	Applicant
Vs.		
Rajesh Shivilal Sabne	...	Respondent

Ms. Vrushali Maindad, for the Applicant.

CORAM : A. M. DHAVAL, J.
DATE : OCTOBER 19, 2018

PC :-

1. This civil application is filed by wife for transfer of divorce petition, filed by the respondent-husband to the Court of Civil Judge, S. D. Thane. The marriage between the parties took place on 11.5.2015 at Bandra, Mumbai, and thereafter the parties cohabited at Chalisgaon, district Jalgaon. Within one year thereafter, there are disturbances in their marriage. The wife on 2.5.2016 lodged FIR under S. 498-A, 406, 504, 506 read with 34 of I.P.C. against the husband and his family members at Kherwadi, Bandra Police Station. It is submitted that the wife

was residing with her father, who was a prosecutor in Mumbai, but now, he is retired and they have shifted to Vashi, New Mumbai, district Thane. The wife has filed D. V. proceedings before the J.M.F.C. Vashi. Thereafter the husband has filed Hindu Marriage Petition No. 451 of 2017 for divorce in the Court of Civil Judge, S. D. Jalgaon. The applicant claims that she has no source of income. It is very much inconvenient for her to attend the Court at Jalgaon, which is far away from her maternal house. The wife claims that husband is serving at Pune, his native place is Jalgaon. It is not convenient for both the parties to attend the divorce proceedings at Jalgaon.

2. The contentions raised by the applicant have remained uncontroverted as the respondent in spite of service of notice has not filed appearance. As held in **Sumita Singh Vs. Kumar Sanjay AIR 2002 SC 396**, in matrimonial cases, convenience of wife should be looked at.

3. In the light of uncontroverted facts, following order is passed.

ORDER

- (i) The Misc. civil application is allowed.
- (ii) Hindu Marriage Petition No. 451 of 2017, pending in the Court of Civil Judge, S.D., Jalgaon is transferred to the Court of Civil Judge, S. D. Thane.
- (iii) The concerned Superintendent of the Court of Civil Judge, S.D. Jalgaon shall transmit all the records and proceedings of Hindu Marriage Petition No. 451 of 2017 to the Court of Civil Judge, S.D. Thane.
- (iv) Parties are directed to remain present before the Court of Civil Judge, S. D. Thane on 1st November, 2018.
- (v) The civil application is disposed of in the above terms.

Sd/-

[A. M. DHAVALE, J.]

Vinayak Halemath