

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

MISCELLANEOUS CIVIL APPLICATION NO.80 OF 2018

Pallavi Shankar Maske	...Applicant
Versus	
Shankar Navnath Maske	...Respondent

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Mr. Paras Yadav for the Applicant.
None for the Respondent.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 12th DECEMBER, 2018

P.C.:-

This is an application under Section 24 of the Civil Procedure Code seeking transfer of M.J. Petition No.795 of 2017 from Civil Judge, Senior Division, Pune (Family Court, Pune) to the Court of Civil Judge, Senior Division, Kolhapur.

2. Notice of this application was duly served on the Respondent despite which the Respondent had not remained present. The Respondent has not filed any reply despite opportunity was given.

3. Heard Mr. Paras Yadav, the learned counsel for the Applicant and perused the records.

4. The Applicant and the Respondent were married on 10.5.2016. There is no child from the said wedlock. The Applicant is residing with her mother and brother at Kolhapur since 19.3.2017. The Respondent has filed Section 9 proceedings (M.J. Petition No.795 of 2017) which are pending before the Family Court, Pune. The Applicant has also filed proceedings under the Domestic Violence Act, which are pending before the J.M.F.C. Court, Kolhapur. By this application the Applicant has sought transfer of Section 9 proceedings (M.J. Petition No.795 of 2017) from the Family Court, Pune to Family Court, Kolhapur. The distance between Family Court, Pune and place of residence of the Applicant is about 250 kms.

5. The learned counsel for the Applicant has submitted that the Applicant is unemployed and has no means to incur travel expenditure. He has submitted that the Respondent is in transport business and has sufficient means to bear the travel expenditure. Furthermore he has been attending domestic violence proceedings which are pending before the learned J.M.F.C., Kolhapur. No inconvenience would be caused to the Respondent if the section 9 proceedings is transferred to Kolhapur.

6. In the light of above, in my considered view the Applicant has made out ground for transfer of section 9 proceedings (M.J. Petition No.795 of 2017) pending before the Family Court, Pune to the Court of C.J.S.D., Kolhapur (Family Court, Kolhapur). Hence, the application is allowed in terms of prayer clause (a). Section 9 proceedings being M.J. Petition No.795 of 2017 pending before the Family Court, Pune is transferred to the Court of C.J.S.D., Kolhapur (Family Court, Kolhapur).

7. The learned Judge, Family Court, Pune is hereby directed to transmit the papers of the and proceedings of M.J. Petition No.795 of 2017 to the Court of C.J.S.D., Kolhapur (Family Court, Kolhapur). Parties to appear before the learned C.J.S.D., Kolhapur (Family Court, Kolhapur) on 20.1.2019.

(SMT. ANUJA PRABHUDESSAI, J.)