

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

MISC. CIVIL APPLICATION NO. 74 OF 2018

Meenal Kuldeep Prabhu

... **Applicant**

V/s.

Kuldeep Ramesh Prabhu

... **Respondent**

Mr. S.M. Katkar for the Applicant.
None for the Respondent.

**CORAM : A.M.DHAVAL, J.
DATE : 4th SEPTEMBER, 2018**

P.C.:

1 This is the application under Section 24 of the Code of Civil Procedure, 1908. The sole Respondent is served, but has not appeared.

2 As per the pleadings, the Applicant wife married to the Respondent husband on 29.05.2013 at Wakad, Pune. Thereafter, the Respondent joined as Lecturer at Airoli in July 2014. When the Applicant who pregnant for six months in November 2014, she faced domestic violence. She gave birth to a male child on 10.03.2015. On 13.05.2015, she was assaulted and driven out from her matrimonial house and she had to go to reside with her parents. In November 2015, the wife filed Domestic Violence proceeding in the Court at Pimpri. On 26.10.2017, the husband has filed Divorce Petition No. A444/2017 at Family Court at Thane. The Applicant is having child of tender age and she is having no

source of income. The husband is serving as a Lecturer. Considering the facts and a view expressed by the Apex Court in the matter of Sumita Singh V/s. Kumar Sanjay reported in AIR 2002 SC 396 that in the matrimonial matter convenience of wife should be looked at, the petition deserves to be allowed.

3 Hindu Marriage Petition No. A444/2017 for divorce filed in Family Court, Thane by Respondent Kuldeep Prabhu is hereby transferred under Section 24 of the Code of Civil Procedure, 1908 to the Civil Judge, Senior Division, Pune.

4 Parties are directed to remain present in the Court of Civil Judge, Senior Division, Pune on 03.10.2018. The Applicant to give intimation to the Respondent who is absent.

5 Miscellaneous Civil application is disposed of accordingly.

(A.M.DHAVAL, J.)