

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

CIVIL MISC.APPLICATION NO.106 OF 2018

Sou.Shradha Satish Nande	...Applicant
vs	
Satish Dyaneshwar Nande....	...Respondent

Mr.A.S.Kale for Applicant
None for Respondent

CORAM : A.M.DHAHALE.J

DATED :27TH AUGUST, 2018

P.C. :

1. Heard learned Advocate for the applicant.

2. The applicant has served the respondent by RPAD. The track consignment records the Envelope bearing No.RMO.29361439 In IVR is duly served on the respondent on 7.8.2018 but, nobody is present on behalf of the respondent.

3. The applicant-wife Shradha was married to the respondent on 20.12.2017 at Kurduwadi Taluka Madha District Solapur. Thereafter, they cohabitated together at Pune. There are several allegations made by her against her husband. Ultimately, since January, 2017 the wife is residing at her matrimonial house at

Kurduwadi Taluka Madha. The respondent has filed HMP No.263 of 2018 before the Family Court, Pune for restitution. The wife has filed proceedings under the Domestic Violence Act bearing Misc.Criminal Application No.165 of 2017 in the Court of the Judicial Magistrate,First Class, Madha District Solapur. She has made allegations of ill-treatment including an attempt to kill her by her husband by pushing her down from a bike. She is unemployed. It is submitted that Madha is 210 kms away from Pune. Due to apprehension and financial constraints, it is not possible for her to attend the matter in the Court at Pune. She therefore, seeks transfer of the Petition to the Court at Civil Judge,Senior Division,Barshi, District Solapur. The husband is otherwise also required to come down to Madha for attending the domestic violence proceedings.

4. Considering the facts and circumstances the ratio laid down by the apex Court in **Sumita Singh's** case, AIR 2002 SC 396 will be applicable. In such circumstances, the convenience of the wife should be considered.

5. Hence, the application is allowed. HMP No.263 of 2018 pending before the Family Court, Pune is transferred to the Court of

Civil Judge, Senior Division, Barshi District Solapur.

6. The parties are directed to remain present before the Court at Civil Judge, Senior Division, Barshi on **1.10.2018**. The Judge, Family Court, Pune is requested to transfer the record and proceedings to Barshi Court at the earliest.

Misc.Civil Application stands disposed of.

{A. M. DHAVALE, J}

