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

MISCELLANEOUS CIVIL APPLICATION NO.287 OF 2017

Neetu Sagar Gawade ... Applicant.
V/s.
Sagar Digambar Gawade ... Respondent

Mr. K. I. Khandelwal i/by Khandelwal Associates, for
the applicant

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J

DATE : 2nd JULY, 2018.

P.C. :

- 1] Heard learned counsel for the applicant.
- 2] Respondent has appeared once through his advocate Ms. Madhavi K. Naravane, and waived service of notice, on 8th December, 2017. However, thereafter neither respondent nor his advocate had appeared. Even the Vakalatnama on behalf of respondent is not filed.
- 3] In view thereof the averments in the application remained unchallenged on record. The applicant is residing at Mira Road, Thane, whereas this Divorce Proceeding bearing Marriage Petition No.54 of 2016 are filed by the respondent in the Court at Civil Judge Senior Division Vasco-Da-Gama, Goa. The one side distance from Thane to Goa, is more than 700 Kms which takes about 30 hours for

a round way trip. Moreover, in the Miscellaneous Application, she is given interim maintenance of Rs.3,000/- only which is not sufficient to travel for such a long distance. All these averments have not been challenged by the respondent.

4] In my considered opinion, having regard to the difficulties faced by the applicant in attending the Court at Vasco-Da-Gama, it is necessary to transfer Marriage Petition No.54 of 2016, pending in the Court of Civil Judge Senior Division Vasco-Da-Gama, Goa to the Court of Civil Judge Senior Division Thane.

5] The application is allowed.

6] The Marriage Petition No.54 of 2016 filed by respondent and pending in the Court of Civil Judge Senior Division, Vasco-Da-Gama, Goa, is transferred to the Court of Civil Judge Senior Division, Thane.

[DR.SHALINI PHANSALKAR-JOSHI, J.]