

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

MISCELLANEOUS CIVIL APPLICATION NO.228 OF 2018

Vaishali Nitin Deshmukh	...Applicant
Versus	
Nitin Sajjan Deshmukh	...Respondent

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Mr. Priyal G. Sarda for the Applicant.
None for the Respondent.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 12th DECEMBER, 2018

P.C.:-

At the outset Mr. Sarda, the learned counsel for the Applicant submits that there is a typographical error in prayer clauses (b) and (c) wherein the number of proceedings is stated as HMP No.146 of 2018 instead of PA No.146 of 2018. He seeks leave to correct the said typographical error. Leave is granted. Amendment to be carried out forthwith.

2. By this application, the Applicant has sought transfer of PA No.146 of 2018 filed by the Respondent, which is pending on the file of the Family Court, Solapur to the learned C.J.S.D., Pune.

3. Notice of the application was duly served on the Respondent. The Respondent has failed to remain present and file his reply despite opportunity was given.

4. Heard Mr. Priyal Sarda, the learned counsel for the Applicant and perused the grounds stated in the application.

5. The Applicant and the Respondent were married on 9.11.2010. The marital discord between the parties has resulted in filing of matrimonial proceedings. The Applicant has filed Domestic Violence proceedings which are pending before the learned J.M.F.C., Khadki. The Respondent has filed divorce proceedings being PA No.146 of 2018 which are pending before the Family Court, Solapur.

6. The Applicant has stated that she is unemployed and is living with her aged parents alongwith her minor children, who are about 5 and 2 years of age. The distance between the Family Court, Solapur and parental home of the Applicant is stated to be 200 kms. approximately. The minor children of the Applicant are schooling at Pune. The Applicant has stated that she is unemployed and her parents are aged and that she has no one to take care of her children or

to accompany her to Solapur. Furthermore, Mr. Sarda, the learned counsel submits that the Respondent is already appearing in Khadki Court hence, no inconvenience will be caused to him if the PA No.146 of 2018 is transferred to Pune.

7. The aforestated grounds raised in the application, which are uncontroverted, justify transfer of the divorce proceedings being PA No.146 of 2018 pending of the file of the Family Court Solapur to the file of the C.J.S.D., Pune. Hence, the application is allowed in terms of prayer clause (b). Divorce proceedings being PA No.146 of 2018, pending before the Family Court Solapur is transferred to the Court of C.J.S.D., Pune.

8. The learned Judge, Family Court, Solapur is hereby directed to transmit the papers of the divorce proceedings being PA No.146 of 2018 to the Court of C.J.S.D., Pune. Both the parties to appear before the learned C.J.S.D., Pune, on 20.1.2019.

(SMT. ANUJA PRABHUDESSAI, J.)