

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

MISC. CIVIL APPLICATION NO. 316 OF 2017

Sou. Manik Shireesh Shahapurkar

And Anr

...Applicants

Versus

Mr. Shireesh Manohar Shahapurkar

...Respondent

Mr.Nitesh P. Hinduja for the Applicants.

CORAM : M. S. SONAK, J.

DATE : 21st FEBRUARY 2018

P.C.

1. The learned counsel for the applicant states that service has been effected upon the respondent and further, even affidavit of service has been filed.

2. On perusal of the affidavit dated 18th January 2018, it does appear that service is completed.

3. This Court, by order dated 15th December 2017 had made it clear that the application may be decided finally at the stage of admission itself.

4. This application seeks transfer of Petition No.A-1397 of 2016 instituted by the respondent-husband in the Family Court at Bandra seeking divorce under the Hindu Marriage Act, 1955 to the Family Court at Kolhapur. In the application, it is stated that the

respondent-husband is presently working at Dublin, Ireland and the proceedings in the Bandra Court are being pursued through his sister and her husband who are residing at Vasai. It is pointed out that the applicant and her minor daughter are presently based at Kolhapur and it will be extremely difficult for them to attend the proceedings at Bandra. The circumstances in which the applicant and her daughter had to move to Kolhapur have also been set out in the application. At this stage it will be appropriate to decide whether the allegations made in the application are correct or not.

5. However, fact remains that in such matters, the convenience of the wife as well as the minor daughter is quite relevant consideration. Since, the respondent is stated to be personally residing in Dublin, it will make no much difference to him whether the proceedings are continued in Bandra or at Kolhapur. In any case, the financial capacity of the respondent is such that he is at better place as compared to the applicants. The application states that respondent is employed in Sandifort Company Limited at Dublin, Ireland. The application states that the respondent earns approximately 46,000 Euro per annum.

6. Taking into consideration all the aforesaid circumstances cumulatively, the Petition No.A-1397 of 2016 presently pending in the Family Court at Bandra is hereby transferred to the Family Court at Kolhapur. The Registry at the Family Court at Bandra to take the necessary steps with regard to transfer of proceedings. Similarly, the Family Court at Kolhapur to proceed with the matter in pursuance of the transfer only after issue of fresh notice to the respondent i.e. to Shireesh Sahapurkar, since,

despite notice, Shireesh has not attended the proceedings before this Court.

7. The applicants are also directed to place an authenticated copy of this order before the Family Court at Bandra, so that, necessary intimation of the transfer, can be given by the Bandra Court as well to Shireesh.

8. This application is disposed of in the aforesaid terms. There shall be no order as to costs.

9. All concerned to act on the basis of the authenticated copy of this order.

(M. S. SONAK, J.)