

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

MISC. CIVIL APPLICATION NO. 338 OF 2017

Jayshree Manojkumar Bari	...	Applicant
V/s.		
Manojkumar Kashinath Suryawanshi Bari	...	Respondent

- Mr.Ravindra S. Pachundkar for the Applicant.
- Mr.Vikas Kolekar for the Respondent.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 28th JUNE, 2018.

P.C. :

1] Heard learned counsel for the Applicant and learned counsel for the Respondent.

2] This Civil Application is filed under Section 24 of the Code of Civil Procedure for transferring the divorce Petition bearing P.A. No.108 of 2014 filed by the Respondent in the Family Court at Pune to the Family Court at Akola.

3] This Application is filed by the Applicant-wife, who is presently residing, according to her, in the house of her parents at Akot, District Akola. It is her contention that in order to attend the

divorce proceedings in the Family Court at Pune, she has to travel the distance of about more than 600 kms. on one side, thus totally about 1200 kms.; which takes at-least 3 days and she has to do it all alone as her parents are unable to accompany her, being daily workers and also suffering from ailments.

4] According to learned counsel for the Respondent, however, the Applicant is very much residing in the house of her uncle at Magarpatta City, Hadapsar, Pune and therefore, there is no question of the Applicant suffering from any difficulty in attending the Family Court at Pune.

5] However, the Applicant has produced on record the various documentary evidence, like, her Aadhar Card, Voters List, Ration Card, Bank Passbook, Domicile Certificate, traveling tickets etc showing that she is very much residing at Akot and has to travel from Akot to Pune in order to attend the Family Court proceedings.

6] In my considered opinion, this evidence is sufficient at this stage to hold that the Applicant is residing at Akot. Moreover, if she was residing at Magarpatta, Pune, then she would not seek transfer of Divorce Petition filed in the Family Court at Pune to the Family Court at Akola, as that would cause more inconvenience to her.

7] The second contention raised by learned counsel for the Respondent is that in the year 2014, the Applicant's brother has threatened the Respondent and in respect thereof a N.C. Complaint is filed with the police. However, on this aspect, learned counsel for the Applicant submits that the Applicant has also been threatened. Therefore these are allegations against each other.

8] The third contention raised is that the divorce Petition is filed in the year 2014 and now it is kept for recording of evidence; the Applicant is however not remaining present.

9] In my considered opinion, this contention itself justifies the case put up by the Applicant that she is unable to attend the said Court alone having to travel about 1200 kms. for each and every date and that too alone.

10] In my considered opinion therefore in order to advance substantive cause of justice, this is a fit case, where the divorce Petition filed by the Respondent needs to be transferred to the Family Court at Akola; so that the Applicant-wife can attend the said proceedings and contest it on merits.

11] Hence, Misc. Civil Application is allowed. The Divorce Petition bearing P.A. No.108 of 2014 pending on the file of the Family Court, Pune is transferred to the Family Court at Akola.

12] At this stage, learned counsel for the Respondent requests this Court to stay this order for four weeks. Learned counsel for the Applicant strongly objects thereto.

12] As there is no stay in continuation during the pendency of this proceedings, there is no reason to extend the same. Moreover, it being a family matter, it should be decided at the earliest and expeditiously and therefore, the request for stay is rejected.

13] Registry to inform the concerned Courts accordingly.

[DR.SHALINI PHANSALKAR-JOSHI, J.]