

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION (ST.) NO.36193 OF 2017

Akshata Avinash Sonawane	 Applicant
V/s.	
Avinash Bhaskar Sonawane	 Respondent

Mr. Pritesh K. Bohade for the Applicant.

Mr. Devendranath S. Joshi for the Respondent.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 12TH JULY 2018.

P.C. :

1. Heard Mr. Bohade, learned counsel for the Applicant, and Mr. Joshi, learned counsel for the Respondent.

2. This Miscellaneous Civil Application is filed by the Applicant-wife for transferring Marriage Petition No.192 of 2016 pending on the file of the Civil Judge, Senior Division, Kalyan to the Family Court at Bandra.

3. The Applicant is, admittedly, residing at Vikhroli, Mumbai; whereas, the Marriage Petition proceedings are pending in the Court of Civil Judge, Senior Division, Kalyan and, therefore, considering the distance between the two places, which is only of 40 kms. and which is

well connected with the local trains, it becomes difficult to hold that the Applicant is facing any inconvenience or difficulty to attend the said Court.

4. As regards the contention that the Applicant has filed maintenance application, under Section 125 of the Code of Criminal Procedure, 1973, in the Family Court at Bandra, learned counsel for the Respondent points out that, it was done just one month before filing of the present Miscellaneous Civil Application, seeking transfer of the Marriage Petition No.192 of 2016, which is clearly with an intention to seek transfer of these proceedings to the Family Court at Bandra.

5. Moreover, the Applicant is already appearing in the proceedings filed under the Domestic Violence Act and under Section 498-A of the IPC in the Metropolitan Magistrate's Court at Vikhroli and Ulhasnagar, respectively. Therefore, it cannot be said that any ground is made out for transfer of the proceedings in Marriage Petition No.192 of 2016 to the Family Court at Bandra. Hence, no case is made out.

6. This Miscellaneous Civil Application, therefore, stands dismissed.

[DR. SHALINI PHANSALKAR-JOSHI, J.]