

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC.CIVIL APPLICATION NO.62/2019

Smt.Surabhi Sandip Teli Applicant.
Vs.
Sandip Annaso Teli ... Respondent.

Mr.Ramdas A. Shelke, advocate for applicant.
Mr. Anand S. Patil, advocate for respondent.

CORAM : K.K.TATED, J.
DATED : 27th June, 2019.

P.C.

Heard learned counsel for parties.

2 By this miscellaneous civil application u/s 24 of C.P.C., applicant/wife is seeking transfer of Marriage Petition no.85/2017 filed by respondent u/s 9 of Hindu Marriage Act before learned Civil Judge, Senior Division, Gadhinglaj to the court of Civil Judge, Senior Division, Sangli.

3. Learned counsel Mr.Ramdas A. Shelke for applicant submits that earlier respondent filed petition before Court at Malshiras, District Solapur for same relief. Subsequently, same was withdrawn and filed at Gadhinglaj. He submits that applicant is residing at

Miraj, District- Sangli. He submits that to attend each and every date of the petition filed by respondent at Gadhinglaj applicant has to travel more than 120 km. He submits that there is no regular transport facility to travel from Miraj to Gadhinglaj. Even applicant has minor child aged 3 years. Therefore, it is very difficult for her to travel from Miraj to Gadhinglaj alongwith the minor child. He further submits that applicant already filed criminal case no. 182/2016 before Learned Magistrate, Miraj, u/s 12 of the Protection of Women from Domestic Violence Act on 5.4.2016. He submits that in that matter, respondent/husband is appearing regularly.

4. The learned counsel for applicant submits that in the Hindu Marriage Petition no.85/2017, application filed by applicant for interim maintenance. He submits that said application was allowed and the trial court awarded maintenance. In spite of order passed by the trial court, respondent/husband failed and neglected to clear the maintenance charges till today. Even because of financial difficulty, it is difficult for applicant to attend each and every date of the matter filed by respondent/husband at Gadhinglaj. He submits that therefore, in the interest of justice, this court be pleased to transfer the said matter to Court at Sangli for hearing and final disposal on its own

merits.

4. On the other hand, learned counsel for respondent vehemently opposed present application. He submits that the trial in the matter filed by him, before the Court at Gadhinglaj is already started. One witness is already examined by the respondent. Therefore, if at this stage, the matter is transferred from one court to another court, injustice will be caused to the respondent. Respondent is ready and willing to pay sum of Rs.2000/- to applicant for her expenses to attend matter per date. Therefore, there is no question of allowing present application.

5. Heard learned counsel for parties at length. It is to be noted that in the present proceeding, at present applicant is residing at Miraj, Sangli. The applicant has to travel more than 120 km to attend each and every date of matter alongwith her minor child aged 3 years. Apart from that, applicant already filed Criminal case no.182/2016 before Miraj Court in which respondent is attending.

6. Considering these facts I am of the opinion that, in the interest of justice, petition filed by respondent u/s 9 of the Hindu Marriage Act is required to be transferred for hearing and final disposal to the Court of Sangli.

7. Hence, the following order.

A) Misc. Civil application is allowed in terms of prayer clause (a) which reads thus,

a) To transfer the proceedings bearing Hindu Marriage Petition No.85/2017 pending with the file of the Learned Civil Judge, Senior Division, Gadhinglaj to the Court of Civil Judge Senior Division, Sangli.

B) Misc. Civil application is disposed of accordingly

C) No order as to cost.

(K.K.TATED, J.)

