

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION No. 85 OF 2019

Sau. Radhika Rohit Savale ...Applicant
Vs.
Shri Rohit Rajshekhar Savale ...Respondent

WITH
MISC. CIVIL APPLICATION No. 198 OF 2019

Rohit Rajshekhar Savale ...Applicant
Vs.
Radhika Rohit Savale ...Respondent

Mr.A.B. Tajane for the Applicant in MCA No.85
of 2019 and Respondent in MCA No.198 of 2019

Mr. V.R. Gaikwad for the Applicant in MCA No.
198 of 2019 and Respondent in MCA No. 85 of
2019

CORAM: K.K. TATED, J.

DATED: JULY 23, 2019

P.C. :

1. Heard learned counsel for the parties.
2. Misc. Civil Application No.85 of 2019 filed by the wife for transfer of Hindu Marriage Petition No. 330 of 2018 filed by Respondent Husband for divorce under Section 13(1)(i), (i-a), (i-b) of the Hindu Marriage Act, 1955 before the Civil Judge, Senior Division, Snagli

to Civil Judge, Senior Division, Solapur for hearing and final disposal on its own merits.

3. Misc. Civil Application No. 198 of 2019 filed by the Applicant- Husband for transfer of the proceedings bearing No. A-221 of 2018 filed by the Respondent wife under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights before the Family Court at Solapur to the Civil Judge, Senior Division, Sangli for hearing and final disposal on its own merits.

4. First to decide the Application filed by the Applicant Wife and for the purpose of convenience the Applicant shall be referred as 'Applicant Wife' and Respondent shall be referred as 'Respondent Husband' in Misc. Civil Application No. 85 of 2019.

5. Learned counsel Mr. A.B. Tajane for the Applicant wife submits that it is inconvenient for the Applicant wife to travel from Solapur to Sangli for attending the divorce petition filed by the Respondent husband under Section 13 (1) (i), (i-a), (i-b) of the Hindu Marriage Act, 1955. He submits that the Applicant wife has three years and two months' child. He submits that the Applicant wife is a household

and she does not have any source of income. To travel from Solapur to Sangli, which takes at least more than 5 hours. Therefore, in the interest of justice, this Court be pleased to transfer the petition filed by the respondent husband from Sangli to Solapur Court.

6. On the other hand, learned counsel Mr. V.R. Gaikwad appearing on behalf of respondent husband submits that the Respondent husband is ready and willing to pay the travelling expenses to the Applicant wife as and when she attends the matter at Sangli and, therefore, there is no question of allowing the present Application filed by the Applicant wife and the same is required to be dismissed with costs. He further submits that in the interest of justice, this Hon'ble Court be pleased to transfer the petition No. A 221 of 2018 filed by the Applicant Wife under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights before the Family Court at Solapur to the Civil Judge, Senior Division at Sangli for hearing and final disposal on its own merits.

7. Heard both the counsels at length. It is to be noted that in the present proceeding, the

Applicant-wife is staying at Solapur and to attend the matter at Sangli, she has to travel near about 200 kilometres along with the child, who is three years and two months' old and therefore, it is inconvenient for the Applicant wife to attend each and every date at Sangli.

8. Hence, considering the inconvenience of the Applicant wife for attending the matter from Solapur to Sangli, I am of the opinion that the petition filed by the Respondent Husband at Sangli is required to be transferred at Solapur for final hearing and disposal on its own merits.

9. Hence, following order:

(a) Misc. Application No. 85 of 2019 is allowed in terms of prayer clause (a), which reads thus:

“(a) This Hon'ble Court be pleased to transfer Hindu Marriage Petition No. 330 of 2018 filed by the Respondent Husband in the Court of Learned Civil Judge, Senior Division, Sangli to the Family Court at Solapur and directed to be heard along with Petition No. A 221 of 2018 filed by the Applicant for Restitution of conjugal rights in the Family Court at Solapur.”

- (b) Misc. Civil Application No. 198 of 2019 filed by the Respondent Husband stands dismissed.
- (c) No order as to costs.
- (d) Parties to act on an authenticated copy of this order.

(K. K. TATED, J.)