

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

**MISC. CIVIL APPLICATION NO. 181 OF 2019**

Supriya Nilesh Patil

...Applicant

***Versus***

Nilesh Hariba Patil

...Respondent

...

Mr. Sachin K. Hande, Advocate for Applicant.

Mr. Anoop U. Patil, Advocate for the Respondent.

...

**CORAM : K.K.TATED, J.**  
**DATED : SEPTEMBER 27, 2019**

**PC.**

1. Heard learned counsel for the parties.
2. Affidavit-in-reply dated 26<sup>th</sup> September 2019 filed by the Respondent is taken on record.
3. By this Misc. Civil Application under Section 24 of the Civil Procedure Code 1908, the Applicant-wife is seeking transfer of Hindu Marriage Petition No. A-433 of 2019 filed by Respondent-husband under Section 13 (1)(i-a) of the Hindu Marriage Act, 1955 for divorce before the learned Civil Judge, Senior Division, Pune to the learned Civil Judge, Senior Division Sangli, for hearing and final disposal of its own merits.
4. The Learned Counsel for the Applicant submits that, the distance between Sangli to Pune is more than 250 Kms. He further submits that because of Health problem it is not possible for Applicant to travel more than 250 Kms. by road. He further submits that, Applicant's health problem is also admitted by the

Respondent in its petition No. 433 of 2019 in para nos. 10 and 13. He further submits that, in view of this fact, this Hon'ble Court be pleased to transfer the petition filed by Respondent for divorce before Pune Court to the Court at Sangli. He further submits that, if the application is not allowed, it will cause irreparable loss to the Applicant.

5. On the other hand, the learned Counsel Mr. Patil appearing on behalf of the Respondent-husband vehemently opposed by the present application. He submits that, there is no substance in the present application. He submits that, Applicant's father is in Police Department and therefore, it is difficult for Respondent to go and attend the matter at Sangli Court, if the present application is allowed.

6. The learned Counsel for the Respondent further submits that, the distance between Pune to Sangli is 250 kms. and same is connected with Railway as well as road. He submits that, reason given by the Applicant about the health problem, in her application for transfer is not correct. He submits that, the operation performed on the applicant in the year 2017 and therefore, there is no question of transferring the said matter to the other place on the said ground.

7. Learned counsel for the Respondent submits that, Respondent is ready and willing to bear the traveling expenses, if the mediator is appointed either at Pune or at Mumbai. On the basis of this submission the learned counsel for the respondent submits that, there is no substance in Misc. Civil Application and the same is required to be dismissed with costs.

8. I heard both sides at length. It is to be noted that, the distance between Sangli and Pune is near about 250 Km. The Applicant is housewife, apart from that, she is not keeping well. These facts were admitted by the Respondent in his divorce petition and particularly in para nos. 10 and 13.

9. When this court called upon the Advocate for Respondent to take instruction whether Respondent is ready and willing to pay sum of Rs. 2500/- per date to the applicant, he submits that, if mediator appointed at Mumbai, he shown his willingness to pay the amount.

10. Considering the submissions made by the learned Counsel for the Applicant and the averments made in Misc. Civil Application, I am satisfied that the Applicant has made out a case for allowing the Misc. Civil Application.

Hence, the following order is passed:-

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

*“a) The proceedings of Hindu Marriage Petition No. 433/2019 be transferred from Civil Court Senior Division, at Pune, to the Civil Judge Senior Division at Sangli having jurisdiction to try and entertain the matter.*

11. Misc. Civil Application stand disposed of.

12. No order as to costs.

**(K.K.TATED, J.)**