

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS APPLICATION NO. 304 OF 2018

Supriya Dhanaji Koli .. Applicant
vs.
Dhanaji M. Koli .. Respondent

Mr. Tushar Khairnar a/w. Ms Rati Sinhasane I/b Mr. Umesh R. Mankapure for the Applicant.

CORAM : M. S. SONAK, J.
DATE : 11 MARCH 2019.

ORAL JUDGMENT:

1] Hear Mr. Tushar Khairnar, learned counsel for the applicant.

2] The record indicates that the respondent has been duly served. Despite service, neither the respondent nor his advocate are present.

3] This petition seeks transfer of Hindu Marriage Petition No. 175 of 2017 pending in the Court of Civil Judge, Senior Division, Sangli to the file of Civil Judge Senior Division, Kolhapur.

4] Mr. Tushar Khairnar, learned counsel for the applicant, points out that till date the applicant is receiving no maintenance. He points out that she has no independent source of income and has to depend upon her parents. He points out that the applicant fears for her life, as, the

respondent and his family has history of abuse. For all these reasons, he submits that the matter may be transferred from Sangli to Kolhapur.

5] Since the respondent, despite service, has not bothered to appear in this Court and contradict what has been stated in the application for transfer, there can be no difficulty in accepting the prayer for transfer. Even otherwise, the applicant has stated that she is not receiving any maintenance amount from the respondent. In such circumstances, rather than the applicant travel from Kolhapur to Sangli, interests of justice will be met if the respondent travels to Kolhapur. There is no denial to the averments that the applicant's parents are aged and they too have considerable difficulty in accompanying the applicant from Kolhapur to Sangli in order to attend the case.

6] For all the aforesaid reasons, this application is allowed. The proceedings in Hindu Marriage Petition No. 175 of 2017 presently pending in the Court of Civil Judge, Senior Division, Sangli are transferred to the Court of Civil Judge, Senior Division, Kolhapur.

7] The parties are directed to appear before the Civil Judge, Senior Division at Kolhapur on 1st April 2019 at 11.00 a.m.

8] Since the respondent is not present today, the applicant is directed to give necessary intimation to the respondent about the present order. In any case, the Civil Judge, Senior Division at Kolhapur is requested to issue notice to the respondent before proceedings are continued in Hindu Marriage Petition No. 175 of 2017.

9] The application is made absolute in the aforesaid terms. There shall be no order as to costs.

10] All concerned to act on the basis of an authenticated copy of this order.

(M. S. SONAK, J.)