

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION No. 40 OF 2019

Jasmin Jamir Sayyad

...Applicant

Vs.

Jamir Sirtaj Sayyad

...Respondent

Mr. Adarsh Mishra for Applicant

Mr. Sameer S. Kadam for Respondent

CORAM: K.K. TATED, J.

DATED : JUNE 14, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this application under Section 24 of the Civil Procedure Code, 1908, the Applicant is seeking direction to transfer Regular Civil Suit No. 115 of 2018 filed by the Respondent Husband in the Court of Civil Judge, Senior Division, Vaduj, Dist. Satara for dissolution of marriage dated 20th June, 2010 to the Family Court, Pune.
3. Learned counsel Mr. Adarsh Mishra for the Applicant submits that the Applicant have to look after her two minor children, aged 7 years and 5 years respectively. He submits that the distance between Pune to Satara is about 130 kilometers and from Satara to Vaduj is about 52 kilometers. He submits that traveling from Pune to Vaduj for attending the suit filed by the Respondent husband, the Applicant have to travel overnight journey along with minor children. Therefore, it is difficult for her to attend and defend the suit filed by the Respondent

at Vaduj Court. Hence, in the interest of justice, this Hon'ble Court be pleased to transfer the suit to the Family Court, Pune and to decide the same on its own merits. He submits that if the application is not allowed, irreparable loss would be caused to her.

4. On the other hand, learned counsel Mr. Sameer Kadam for the Respondent vehemently opposed the present application. He submits that at present, the respondent is unemployed. He don't have any job and no source of income. Therefore, there is no question of allowing the present application. He further submits that at the time of final hearing of the said suit, the Respondents have to take his all the witnesses to Pune and that will be additional financial burden on him. On the basis of the said submissions, the learned counsel for the Respondent submits that there no substance in the present application and the same be dismissed with costs.

5. I heard both the sides at length. It is to be noted that in the present proceeding, suit filed by the Respondent for divorce is at Vaduj, whereas the Applicant is staying at Hadapsar, Pune. To travel from Pune to Vaduj, the Applicant have to take overnight journey, along with her minor children.

6. Considering these facts, I am of the opinion that the Applicant has made out a case for transfer of the suit filed by the Respondent to the Family Court at Pune. Hence, following order:

ORDER

- (A) Misc. Civil Application is allowed in term of prayer clause (a), which reads thus:
- “(a) to transfer the Petition, Regular Civil Suit No. 115 of 2018 pending before the Ld. Civil Judge, Senior Division at Vaduj, Dist. Satara filed by the Respondent to Family Court, Pune at Pune.”
- (b) Misc. Civil Application stands disposed of accordingly.
- (c) No order as to costs.

(K. K. TATED, J.)