

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC.CIVIL APPLICATION 123 OF 2019

Mrs. Asha Yogesh Chavan ...Applicant
Vs.
Shri Yogesh Shivaji Chavan ...Respondent

Mr. Raju Yamgar a/w. Mr. Sachin Panjari a/w.
Ms. Meenal Waksay for the Applicant

CORAM: K.K. TATED, J.

DATED : JUNE 26, 2019

P.C. :

1. 1. Heard learned counsel Mr. Raju Yamgar for the Applicant.
2. Though the Respondent is duly served, no one appeared on behalf of him when the matter was called out.
3. On 12th June, 2019, no one appeared on behalf of the Respondent. Hence, this Court had directed the Applicant to inform the Respondent about the next date.
4. On the next date i.e. today, the applicant has filed affidavit of service dated 26th June, 2019, stating that service is complete on other side. The affidavit is taken on record.

In spite of affidavit of service, no one appeared on behalf of the Respondent before the Court.

5. By this application under Section 24 of the Civil Procedure Code, the Applicant wife is seeking transfer of Marriage Petition No. A 546 of 2018 filed by the Respondent husband under Section 13(1) (i-a) (i-b) of the Hindu Marriage Act, 1955 for divorce before the Civil Judge, Senior Division, Kalyan to Civil Judge, Senior Division, Karad, District Satara.

6. Learned counsel for the Applicant submits the distance between Kalyan and Karad is more than 350 kilometers. The Applicant is a household wife. She don't have any source of income. He submits that the Applicant have to maintain her two minor children, aged 10 years and 11 years. He further submits that the Applicant's father is handicapped and mother is also senior citizen and, therefore, it is very difficult for her to attend each and every date in Kalyan Court. He submits that in the interest of justice this Hon'ble Court be pleased to transfer the petition filed by the Respondent at Kalyan Court to the Court at Karad. He submits that, in the Court of Karad,

before the Judicial Magistrate, the Applicant filed Criminal Case No. 235 of 2018 under the provisions of The Protection of Woman under the Domestic Violence Act, 2005. He submits that if the application is not allowed, irreparable loss would be caused to the Applicant.

7. I heard learned counsel for the Applicant at length. By this application, the Applicant is seeking transfer of divorce petition filed by the Respondent husband at Kalyan Court to the Court of Karad. The Applicant have to maintain two minor children aged 10 and 11 years' old. She don't have any source of income. Apart from that, Applicant's father is handicapped and mother is the senior citizen. Even the distance between Kalyan to Karad is more than 350 kilometers. Considering these facts, I am of the opinion that the Applicant has made out a case for allowing this application. Hence, following order:-

- (a) Marriage Petition No. 546 of 2018 filed by the Respondent husband before the Civil Judge, Senior Division, Kalyan under Section 13(1) (i-a) (i-b) of the Hindu Marriage Act, 1955 is transferred to the Court of Civil Judge, Senior Division,

Karad, Dist. Satara for hearing and final disposal on its own merits.

- (b) Civil Application stands disposed of accordingly.
- (c) Parties to act on an authenticated copy of this order.

(K. K. TATED, J.)