

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

MISCELLANEOUS CIVIL APPLICATION NO.11612 of 2019

Swapnaja Praveen Garad @ Nidhi
Praveen Bhimrao Garad

.... Appellant

Versus

Mr. Praveen Bhimrao Garad

..Respondent

Ms. Vandana Santara, Advocate for the applicant.

CORAM : K. K. TATED, J.

DATE : 11th JULY, 2019

P.C.

Heard learned counsel for the parties.

2. Though the respondent is duly served, none appeared on his behalf, when matter is called out. Bailiff report dated 10th June, 2019 shows that notice was duly served on respondent's mother. Thereafter, as per the order of this Court, the applicant again served notice on respondent through his father. In spite of service, respondent did not remain present before this Court.

3. By this Miscellaneous Civil Application applicant wife is seeking transfer of Marriage Petition No.679/2017 filed by the respondent-husband for divorce before Civil Judge S.D., Kalyan to the

family Court, Solapur.

4. Learned counsel for the applicant submits that applicant is house-hold wife, she do not have any source of income. She further submits that even applicant's parents are senior citizen. Applicant's father is retired Government servant. She further submits that it is very difficult for applicant to travel from Solapur to Kalyan to attend each and every date in the divorce petition. Therefore, in the interest of justice this Court be pleased to transfer the petition from Kalyan to Solapur Court.

5. During the course of argument learned counsel for the applicant submitted that, applicant is residing at Mangalwedha to which nearest Court is Pandharpur. This fact was not known to the applicant at the time of filing present application, hence she prayed that matter be transferred to family Court Solapur. She submits that instead of family Court of Solapur, the matter may be transferred to Court at Pandharpur which is more convenient to the applicant.

6. Considering the submissions made by learned counsel for the applicant, avernments made in application and as non appearance for respondent inspite of service of notice, and the fact that applicant is unemployed without having any source of income, I satisfied that

applicant has made out case for allowing this Miscellaneous Civil Application. Hence, the following order -

- 1) Marriage Petition No.1679 of 2017 filed by the respondent for divorce before Civil Judge S.D. Kalyan be transferred to the concern Court at Pandharpur for hearing and final disposal on its own merits.
- 2) Application is allowed accordingly.
- 3) No order as to costs.

[K. K. TATED, J.]