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

MISC. CIVIL APPLICATION NO. 318 OF 2018

Maya Subhash Sonawane	..Applicant
vs.	
Subhash Omana Sonawane	..Respondent
....	
Shri K.S. Patil for applicant.	
None for respondent.	

....
CORAM : M.S.KARNIK, J.

DATE : 10th OCTOBER, 2019

P.C. :

Heard learned counsel for the applicant.

2. The applicant wife is seeking transfer of the matrimonial proceedings for divorce instituted by respondent husband before the Family Court at Kolhapur. The marriage was solemnised on 10/5/1978.

3. Learned counsel for the applicant pointed out that several years after marriage there were matrimonial disputes

and since then the couple is residing separately. The respondent husband in the year 2017 filed an application before the Maintenance Tribunal at Panvel under Section 7 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 against the applicant who is impleaded as respondent No.1 in the said proceedings and against the children. It is pertinent to note that in the said application the respondent husband has shown his address as 4-A, Villa Collection CHS Ltd., Village Kori, Taluka Panvel, District Raigad, Maharashtra. The address of the applicant wife in the proceedings under Section 7 is shown as Kharghar, Navi Mumbai.

4. However, in the proceedings filed before the Family Court at Kolhapur the respondent husband has shown his address at Kolhapur and the address of applicant wife is also shown at Kolhapur.

5. Learned counsel for the applicant wife does not dispute that the applicant wife has a property in Kolhapur. He would however submit that the applicant is permanently

residing at Kharghar, Navi Mumbai and even her Aadhar card reflects the address as Kharghar, Navi Mumbai.

6. The record reveals that Section 7 proceedings are filed by the respondent husband at Panvel in which the address of the applicant wife is shown to be Kharghar, Navi Mumbai whereas in the divorce proceedings the parties are shown to be residing at Kolhapur.

7. I have gone through the reply filed by the respondent husband where he has opposed the application. In the affidavit the respondent husband is admitting that he has property in Panvel. Though he has stated that he is suffering from old age ailments, nonetheless he has still filed proceedings in the year 2017 before the Maintenance Tribunal, Panvel indicating his Panvel address.

8. The applicant wife is 54 years of age. In this view of the matter and as already the respondent husband has filed proceedings at Panvel which he is pursuing, filing of the

matrimonial proceedings at Kolhpaur is only to cause inconvenience to the wife. If in these circumstances the applicant wife wants the proceedings to be transferred to the Court of Civil Judge Senior Division, Panvel, in my opinion, this is a fit case to allow this application.

9. The application is allowed in terms of prayer clause (a).

10. The application is disposed of.

(M.S.KARNIK, J.)

Diksha
Rane

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Diksha Rane
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