

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

MISC. CIVIL APPLICATION NO.177 OF 2018

Smt. Janhavi Prashant Bedarkar ...Applicant.

V/s.

Prashant Laxman Bedarkar ...Respondent.

Mr. Jitendra B. Mishra, i/by Shivaji K. Farkate, for the Applicant.

Mr. L. S. Bedarkar, for the Respondent.

CORAM : SHRI K.K.TATED, J.
DATED : AUGUST 30, 2019

P.C.:

1. Heard learned counsel for the parties.
2. By this Miscellaneous Civil Application Under Section 24 of Civil Procedure Code Applicant/wife is seeking transfer of Hindu Marriage Petition No. 31 of 2018 filed by the Respondent husband Under Section 13 of Hindu Marriage Act, 1955 for dissolution of marriage before the Court at Buldhana to the Family Court at Thane.
3. The learned counsel for the Applicant submits that, initially the Respondent filed the Hindu Marriage Petition before the Civil Judge, Senior Division at Buldhana but thereafter, the same was transfer to the Family Court at Buldhana.
4. Advocate for the Applicant submits that, the Applicant has filed case under the Protection of Women from Domestic Violence Act, 2005 for various relief vide D.V No. 79 of 2016 before the Judicial Magistrate First Class, Belapur. Same is pending for hearing and

final disposal on its own merits. He submits that, in that proceedings Applicant prefer an Application for maintenance. He further submits that the Judicial Magistrate First Class Court passed the order for monthly maintenance of Rs.8,000 but the Respondent failed to clear the Maintenance charges.

5. Advocate for the Applicant states that the Applicant/wife is staying at Airoli, New Bombay. He submits that to travel from Airoli, New Bombay to the Buldhana the distance is more than 500 km and there is no direct train facility available. Hence, it is very difficult for the Applicant to travel from New Bombay to the Buldhana along with 4 years minor child. Hence, she has filed the present Application to transfer the petition. He submits that in the interest of justice this Hon'ble Court be pleased to transfer the Divorce Petition filed by the Respondent before the Buldhana Court, to the Family Court at Thane, for hearing and final disposal on its own merits.

6. On the other hand, the learned counsel appearing on behalf of the Respondent vehemently opposed to the present application. He submits that the Respondent is working as a clerk at Civil Court, Bhusaval in District Jalgaon. It will be very difficult for him to attend the Court on each and every date if it is transfer from Buldhana to the Thane.

7. Advocate for the Applicant submits that, the Respondent is already attending the matter at Belapure in case No. 79 of 2016.

8. It is to be noted that in the present proceeding it is difficult for the Applicant to travel from New Bombay to the Buldhana along with minor child of 4 years. The distance between the New Bombay to the Buldhana is near about 500 km and there is no direct train facility available.

9. Considering these facts and the law declares by our High Court in *Sweta Milind Hoble v/s. Milind Anil Hoble*, MANU/MH/0534/2019, I am satisfied that the Applicant has made out case for allowing this Miscellaneous Civil Application.

10. Hence, the following order is passed:-

a) The Hindu Marriage Petition bearing No. A 31 of 2018 is filed by the Respondent husband Under Section 13(1)(i-a), (i-b) of the Hindu Marriage Act, 1955 and which is pending before the Family Court, at Buldhana, transfered to the Family Court at Thane for hearing and final disposal on its own merits.

b) Both the parties are directed to appear before the Family Court at Thane on 22.11.2019 for fixing further dates for hearing and final disposal on its own merits.

c) Miscellaneous Civil Application disposed of accordingly.

(K.K.TATED, J.)