

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

MISC. CIVIL APPLICATION (ST) NO.18999 OF 2019

Deepali Pushkar Waichal Nee
Deepali Dhananjay Shete

...Applicant.

V/s.

Pushkar Prakash Waichal

...Respondent.

Mr. Ramakant D. Patil, Advocate for the Applicant.
Mr. Chaitanya Dixit, Advocate for the Respondent.

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

P.C.:

1. Heard learned counsels for the parties.
2. By this Miscellaneous Civil Application, Under Section 24 of Civil Procedure Code, Applicant wife is seeking transfer of the Hindu Marriage Petition No. (A) 87 of 2019 filed by the Respondent husband for divorce Under Section 13 (1) (ia) of the Hindu Marriage Act of 1955, before the Family Court at Pune, to the Family Court at Solapur for hearing and final disposal on its own merits.
3. The Learned Counsel for the Applicant submits that the Applicant is suffering from advance stage of Cancer. In support of this he placed on record Certificate dated 22.11.2018 issued by Deenanath Mangeshkar Hospital & Research Center at Pune is at page No.31.

4. The Learned Counsel for the Applicant further submits that the Applicant is also taking treatment at Tata Memorial Center Mumbai as well as the Solapur Cancer Center. In support of this contention, Applicant placed on record documents which are at page 27 and 28.

5. The Learned Counsel for the Applicant submits that, it is very difficult for the Applicant to attend the matter at Pune on each and every day. Hence, be pleased to transfer the Hindu Marriage Petition No. (A) 87 of 2019 filed by the Respondent husband at Pune to the Solapur Family Court for hearing and final disposal on its own merits.

6. The Learned Counsel appearing on behalf of the Respondent Vehemently opposed the present Application. He submits that at present, the Respondent is out of India. He further submits that the Respondent executed Power of Attorney in favour of his mother, who is the senior citizen of 65 years old. If matter is transferred from Pune to the Solapur, it is very difficult for the Respondent to attend matter each and every day.

7. The Learned Counsel for the Respondent submits that document on page No. 30 of the Application, shows that the Applicant is taking treatment at Deenanath Mangeshkar Hospital & Research Center at Pune. Therefore, there is no question of transferring the matter from Pune to the Solapur.

8. On the basis of this submission, the Learned Counsel for the Respondent is seeking dismissal of the present Application.

9. I heard both the parties at length. It is to be noted that the Applicant is suffering by Cancer and she is taking treatment at Mumbai and Solapur. In that support the Applicant has placed on record medical papers. Perused medical papers. It is clear that the Applicant is taking treatment at Solapur as well as Mumbai.

10. Considering these facts that the Applicant is suffering by Cancer, I am satisfied that the Applicant has made out a case for allowing this Miscellaneous Civil Application

11. Hence, following order is passed:-

a) Miscellaneous Civil Application is allowed in terms of prayer clause (a) which reads thus:-

“That this Hon'ble Court be pleased to transfer the papers and proceedings in Marriage Petition (A) No. 87 of 2019, presently pending at Family Court Pune to Family Court Solapur at Solapur.”

b) Miscellaneous Civil Application stands disposed of as accordingly.

c) No order as to costs.

(K.K.TATED, J.)

