

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

MISCELLANEOUS CIVIL APPLICATION NO. 226 OF 2018

Smt. Sayali Prashant Khunte ... Applicant

Vs

Prashant Bhagwant Khunte ... Respondent

Mr. Rajan S. Pawar, Adv. for the Applicant.

Mr. Kuldeep Nikam, Adv. for the Respondent.

CORAM : SANDEEP K. SHINDE J.

DATE : APRIL 16, 2019

ORDER :

1. The applicant has filed this application under Section 24 of Code of Civil Procedure Code seeking transfer of Hindu Marriage Petition No. 1529 of 2017 from Pune to Family Court at Kolhapur. Applicant has also requested to club the petition no. 1529 of 2017 with petition no. 12 of 2018, which is pending before the Family Court, Kolhapur.

2. The marriage of the parties was solemnized on 04.12.2016, and in March 2017, the applicant lodged the FIR, against her

husband and in laws under Section 498-A of IPC at Kolhapur. Besides, she has, filed the proceedings under the Domestic Violence Act, at Kolhapur. In November, 2017 husband has filed petition for dissolution of marriage at Pune. It appears thereafter in January 2018 wife has filed a petition for divorce at Family Court at Kolhapur.

3. The applicant is a post-graduate. There are no issues out of the wedlock. The only ground on which transfer of proceedings is sought is the long distance between Kolhapur to Pune and would be unable to travel from Kolhapur to Pune. The counsel for the respondent however, states that respondent shall pay Rs. 1,000/- (Rs. One Thousand) to the applicant on date, when she would attend the proceeding at Pune.

4. Herein applicant is well educated Husband's petition for dissolution of marriage is prior in point of time. Distance between Pune and Kolhapur is hardly 300 km and well connected by roads and rail. Thus, no inconvenience would be caused to her. Even otherwise respondent is willing to pay Rs. 1,000/- to the applicant as

a cost for travelling to Pune. Thus taking into consideration facts of the case, application deserves no consideration and it is rejected.

Hence, the following order :-

ORDER

- 1) Application is rejected.
- 2) Respondent shall pay Rs. 1500/- (Rs. One Thousand and Five Hundred) to the applicant towards cost of travelling from Kolhapur to Pune on the each date of her attending proceeding.
- 3) The Learned Judge, Family Court shall not insist on the presence of the applicant, unless it is indispensable and very essential.

(SANDEEP K. SHINDE, J.)