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

MISC. CIVIL APPLICATION NO. 262 OF 2018

Aparna Santosh Hipparkar	..Applicant
vs.	
Santosh Dhondiram Hipparkar	..Respondent
....	
Shri N.N. Pawar for applicant.	
Shri H.D. Mulla for respondent.	

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

DATE : 11th OCTOBER, 2019

P.C. :

Heard learned counsel for the applicant and learned counsel for the respondent.

2. This is an application filed by the wife for transfer of the divorce Petition pending before the Civil Judge Senior Division, Pandharpur to the Civil Judge Senior Division, Islampur. The marriage was solemnised on 10/3/2015. On account of some marital discord the parties started residing separately. The respondent husband filed H.M.P. No. 150 of 2018

before the Civil Judge Senior Division, Pandharpur for divorce. After this Petition for divorce is filed applicant wife filed proceedings under the Protection of the Women from Domestic Violence Act, 2005 before the Court of the Judicial Magistrate First Class at Islampur. It is also submitted by learned counsel for the applicant that an order for maintenance has been made.

3. 3 years old daughter is residing with the applicant. The applicant is residing with her parents. The distance between Pandharpur and Islampur is also 160 kilo meters and the mode of conveyance is State Transport Corporation buses.

4. Learned counsel for the respondent opposed the application. He invited my attention to the affidavit in reply filed in this Court. He would submit that he is willing to cohabit with the applicant. He further invited my attention to page 30 of the paper-book where some understanding is recorded before the Panchayat in as much as the parties had agreed to mutually dissolve the marriage. He would also submit that even the proceedings were filed before the Court of Civil Judge Senior

Division for divorce by mutual consent but later on the application did not turn up to give her consent. Learned counsel for the respondent would therefore submit that the conduct of the applicant would dis-entitle her from any relief and moreover it is not at all inconvenient for the applicant to travel to Pandharpur.

5. Heard learned counsel.

6. The applicant has 3 years old daughter who is residing with her. The applicant is residing with her parents. The proceedings have been filed by her under the Domestic Violence Act which are pending before the Judicial Magistrate First Class at Islampur.

7. Considering the inconvenience and hardship caused to the applicant especially as she has to look after her daughter who is 3 years of age, it would be in the interest of justice if the proceedings are transferred from the Court of Civil Judge Senior Division, Pandharpur to the Civil Judge Senior Division, Islampur.

It is however made clear that the applicant will not seek any unnecessary adjournments before the Civil Judge Senior Division, Islampur and will co-operate with the trial Court in the expeditious disposal of the divorce proceedings.

8. The application is allowed in terms of prayer clause (a) with no order as to costs.

9. The application is disposed of.

(M.S.KARNIK, J.)

Diksha
Rane

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Diksha Rane
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