

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 313 OF 2018

Mrs. Sneha Satish Udar

.....Applicant

V/s.

Mr. Satish Haribhau Udar

....Respondent

* * * *

Mr. Neel G. Helekar, Advocate for the applicant.

Mr. V.B. Tapkir, Advocate for the respondent.

CORAM : SANDEEP K. SHINDE, J.

Wednesday, 13th March, 2019.

P.C. :

1. It is an application under Section 24 Civil Procedure Code, 1908 whereby the applicant, wife is seeking transfer of proceedings in Hindu Marriage Petition No. 86 of 2016 pending in the Court of Civil Judge Senior Division at Shrigonda, District-AhmadNagar to the Family Court at Pune with a further relief that the same may be clubbed with P.E. No. 103 of 2015 which is pending before

the Family Court-V at Pune.

2. Heard learned Counsel for the parties.

3. The learned Counsel for the respondent would refute the allegations in the application made against the respondent and calls upon the applicant to prove it.

4. It is submitted that the applicant-wife has filed maintenance proceedings in the Family Court being, P.E. No. 103 of 2015 and maintenance has been awarded after hearing the applicant and the respondent. It is submitted, if the respondent is otherwise attending the maintenance proceedings at Pune and if subject petition is transferred, no inconvenience would be caused to him. That even otherwise, a tender child of four and half years is with the applicant and if the proceedings are not transferred from Shrigonda to Pune, it would certainly cause inconvenience not only to the applicant but to her child also. That, distance between Pune and Shrigonda is about 200 kms to and fro cannot be ignored, which applicant may have to travel for attending the proceedings at Shrigonda.

5. The Supreme Court, as well as, this Court in

catena of judgments has consistently taken a view that, while considering an application under Section 24 of the Code of Civil Procedure, 1908, convenience of the wife is required to be considered.

5. I therefore pass the following order :

(i) The learned Civil Judge Senior Division, at Shrigonda is directed to transfer the papers and proceedings in Hindu Marriage Petition No. 86 of 2016 to the Family Court at Pune.

(ii) The parties, as well as the, learned Civil Judge Senior Division, Shrigonda to act on authenticated copy of this order.

(iii) Both the parties are directed to appear before the learned Family Court at Pune on 29th March, 2019 at 11.00 a.m.

(iv) The Miscellaneous Application No. 313 of 2018 is allowed in the aforesaid terms. No orders as to costs.

(SANDEEP K. SHINDE, J)