

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

MISC. CIVIL APPLICATION NO. 155 OF 2019

Sneha Anil Chandanshive

..... Applicant.

Vs.

Anil Babalsaheb Danshive

..... Respondent

Mr.Kedar patil for the Applicant.

.....

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CORAM : K.K.TATED, J.
DATED : JUNE 25, 2019

P.C.

1. Heard learned counsel for the Applicant.
2. In first session matter was stand dismissed for non prosecution. In second session Advocate Mr. Kedar Patil for the Applicant mentioned this matter. On his request and considering the submission made by him the earlier order is recalled. Matter is restored on file for hearing on its own merits.
3. The learned counsel for the Applicant submits that, by this Misc. Civil Application under Section 24 of the Civil Procedure Code, the Applicant wife is seeking transfer of Special Marriage Petition No. 3 of

2018 filed by the Respondent before the District Court at Ichalkaranji under Section 10 of the Indian Divorce Act to the District Judge, Sangli for hearing on its own merits.

4. The learned counsel for the Applicant submits that in the present proceeding, the Applicant is residing at Sangli. He further submits that Applicant wife filed Criminal Misc. Application No. 439 of 2018 before the Judicial Magistrate, First Class at Sangli under Section 12, 17, 18, 19, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005. He submits that the Applicant has also filed the complaint under Section 498A of the Criminal Procedure Code for taking action against the Respondent. He submits that both these matters are pending before the Court at Sangli. He submits that in the interest of justice, petition filed by the Respondent in the Court of Ichalkaranji may be transferred to the Court at Sangli for hearing on its own merits.

5. Learned counsel for the Applicant submits that, it is difficult for the Applicant to travel from Sangli to Ichalkaranji on every date to attend the Divorce Petition filed by the Respondent. He further submits that the Applicant is residing with her parents who are senior citizens. He submits that if the matter is transferred to the Sangli court, then other two pending matters can be heard along with the present proceeding.

6. Hence, in the interest of justice, this Hon'ble Court be pleased to allow the present application and transfer the Divorce Petition filed by the Respondent before the Court of Ichalkaranji to the Court at Sangli. He submits that if the present application is not allowed irreparable loss will cause to her.

7. It is to be noted that the distance between Sangli and Ichalkaranji is not more than 30-35 km. As per the Applicant's own pleading, it takes just 40 to 45 minutes to reach Ichalkaranji from Sangli.

8. Considering these facts and the distance between the Ichalkaranji to Sangli is not so much, there is no question of entertaining the present application.

9. Hence, the following order:

- a. The application filed by the Applicant under Section 24 of the Civil Procedure Code is rejected.
- b. No order as to costs.

(K.K.TATED, J.)