

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.66/2019

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr. Shailesh Kharat i/b Ranjeet M. Pawar, advocate for applicant.
Mr. Anvil Kalekar advocate for respondent.

CORAM : K.K. TATED, J.
DATED : JUNE 6, 2019

P.C.

Heard learned counsel for parties.

2. By this petition u/s 24 of the Civil Procedure Code, the applicant/wife is seeking transfer of Divorce Petition No.251/2018 filed by respondent/husband pending before Learned Principal District Judge of Family Court at Solapur for dissolution of Marriage u/s 13(1)(ia)(ib) of Hindu Marriage Act, 1955 to Joint Civil Judge, Senior Division at Baramati, District-Pune.

3 Learned counsel for applicant submits that applicant is residing at Baramati alongwith her sister. He further submits

that even respondent/husband is in service at Pune and is residing there only. He submits that distance between Pune to Solapur is near about 250 kilometer whereas distance between Pune to Baramati is 107 kilometer. If the Divorce Petition is transferred to Baramati, it is not going to affect any right, interest of respondent because he has to travel 107 kilometer instead of 250 kilometer. It is very difficult for applicant to travel alone from Baramati to Solapur. Hence, in the interest of justice, this Court be pleased to transfer the divorce petition filed by respondent/husband at Solapur to the Court at Baramati for hearing and final disposal on merits.

4. On the other hand, learned counsel appearing on behalf of the respondent, vehemently opposed the present application. He submits that applicant already engaged an Advocate at Solapur. Not only that twice she appeared before Solapur Court. Though the respondent is staying at Pune, his parents are staying at Solapur. He submits that his parents are senior citizens and therefore, he has to take care of them. Solapur is convenient place for respondent

because as and when he is travelling from Pune to Solapur, he can take care of his parents. Therefore, there is no question of travelling said petition from Solapur to Baramati just for the convenience of wife.

5. Heard. Admittedly, at present respondent/husband is staying at Pune. The distance between Baramati and Pune is just 107 kilometer. Apart from that, being a lady it will be difficult for her to travel from Baramati to Solapur.

6. Considering these facts and for the convenience of applicant, I am of the opinion that applicant has made out a case for allowing this application. In the interest of justice of both parties, the matter is required to be heard and expedited.

7. Hence, the following order.

a) Divorce Petition No.251/2018 filed by respondent/husband u/s 13(1)(ia)(ib) of Hindu Marriage Act, before Family Court at Solapur is transferred to the Joint Civil Judge, at Baramati, District- Pune for hearing and final disposal on its own merits.

b) Hearing of Divorce Petition no.251/2018
is expedited.

c) Misc. Civil Application stands disposed of
accordingly.

d) This Court expects the trial court to
decide the divorce petition as early as
possible but in any case before the end of
December 2020.

d) No order as to cost.

(K.K.TATED, J.)