

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO.92 OF 2021

Aarati @ Mayuri Shivanand
Chinchole

..

Applicant

Vs.

Shivanand Chanbasappa Chinchole

..

Respondent

...

Mr. Kavita Shinde i/b Mr. Ashok B. Tajane for the Applicant.

Mr. Sandeep Mishra for the Respondent.

...

CORAM : SMT. BHARATI DANGRE, J.

DATED : 28TH SEPTEMBER, 2021.

P.C:-

1. The marriage between the Applicant and the Respondent was solemnized on 16/04/2012, however, since they were not able to work out the marriage, it resulted into institution of two proceedings; the Respondent-husband filed a Hindu Marriage Petition in the Court of Civil Judge, Senior Division, Omaraga under Section 13(1)(ia) of the Hindu Marriage Act seeking decree of divorce and the Applicant-wife has instituted proceedings under the Domestic Violence Act at Solapur,

AJN

which is numbered as Criminal Misc. Application No.65 of 2020.

2. An Application is moved seeking for transfer of the proceedings instituted in the Court of Civil Judge, Senior Division, Omaraga to the Family Court at Solapur. The transfer of the proceedings is sought on the ground that the Applicant is a housewife and does not possess sufficient means to attend the proceedings filed by the Respondent at Omaraga since the distance between Solapur and Omaraga is approximately 85 km. Her ill-health is also projected as a restriction on her travel.

3. The prayer made by the Applicant is vehemently opposed by learned counsel appearing for the Respondent, who submits that merely because the Applicant has no means to travel, is not sufficient ground to transfer the proceedings.

4. On perusal of the Application, it can be seen that the proceedings, if allowed to continue at two different places, would have an overlapping effect. Considering that the Applicant is a housewife and it would be difficult for her to travel from Solapur to Omaraga to attend the proceedings, interest of justice would serve if the proceedings instituted by the Respondent before the court of Civil Judge, Senior Division, Omaraga are transferred to the Family Court at Solapur. Furthermore, since the Respondent is a businessman, it will

cause no difficulty in he commuting to attend the proceedings in Solapur.

5. In the circumstances, the Misc. Civil Application stands allowed in terms of prayer clause (a) and the Hindu Marriage Petition No.08 of 2020 pending in the court of Civil Judge, Senior Division, Omaraga is transferred to the Family Court at Solapur.

6. Necessary steps be taken by the learned Civil Judge, Senior Division, Omaraga to that effect.

[SMT. BHARATI DANGRE, J.]