

(Corrected in terms of the order dated 11/02/2022)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO.104 OF 2021**

Pallavi Pravin Karade .. Applicant

Vs.

Pravin Baburao Karade .. Respondent

...

Mr.Paras Yadav for the Applicant.

...

CORAM : SMT. BHARATI DANGRE, J.

DATED : 15TH DECEMBER, 2021.

P.C:-

1. Though the respondent is served through court notice and also by private notice, he has chosen not to remain present.
2. I have heard learned counsel for the applicant/wife, who seeks transfer of Petition No.A-141/2020 filed by the respondent before the Family Court at Kolhapur to the Family Court at Pune.

3. The marriage between the parties was solemnized in the year 2013 and out of the wedlock, there are two children born, one is aged 6 and another is aged 2 at present. Since the marriage could not work smoothly, the respondent/husband instituted proceedings before the Family Court at Kolhapur for divorce under Section 13(1) (i-a)(i-b) for dissolution of marriage in the year 2020.

4. The applicant seek transfer of the said proceedings to Pune on three counts; first one being the respondent is presently residing at Pune, but just for harassing the applicant, he has filed the proceedings in the Court at Kolhapur. The second count, is the difficulty faced by the applicant with her six years' old daughter, who is suffering from mental retardation in form of 75% temporary disability in relation to her Brain; as certified by the competent authority. The third ground which is pressed into service, is the inconvenience that would be suffered by her in taking up the travel from Pune to Kolhapur with her two daughters, younger one being two years and elder one being diagnosed as mentally retarded. This according to her would involve a travel of 250 kms one way and necessarily expenses about Rs.3,000/- per trip. In absence of any independent source of income, she pose a difficulty in undertaking the travel, juxtaposed against the position of the respondent/husband who is working in Pune and earning a handsome salary. In any case, since he is also required to take travel to Kolhapur, the proceedings are sought to be transferred.

5. The submission of the applicant is that as on date, the respondent is staying in the same premises where the applicant is residing i.e. Flat No.101, J Building, Woodsville Phase 3, Borhadewadi Moshi, Pune. Since it is a statement coming from the applicant that the respondent continue to stay in Pune and it is not refuted by the respondent by putting an appearance, I accept the same. The difficulty faced by the applicant in attending the proceedings at Kolhapur with two minor daughters is sufficient for me to invoke the powers conferred on me under Section 24 of the CPC, justifying the transfer of proceedings from the Family Court, Kolhapur to the Family Court, Pune. The medical condition of the elder daughter and the young age of the second daughter would surely pose a great inconvenience to the applicant to undertake the travel.

6. In these circumstances, the application deserves to be allowed and the same is allowed in terms of prayer clause (a). The Family Court at Kolhapur before whom Petition No.A-141/2020 is pending, shall forthwith transmit the record and proceedings to the Family Court at Pune. No order as to costs.

[SMT. BHARATI DANGRE, J.]