

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO.121 of 2021

Shweta Nagesh Khandare .. Applicant
Versus
Nagesh Rajaram Khandare .. Respondent

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Mr.Prasad P. Kulkarni for the Applicant.

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CORAM: BHARATI DANGRE, J.
DATED : 25th OCTOBER, 2021

P.C:-

1. By the present application, the applicant/wife is seeking transfer of proceedings instituted by the respondent/husband in form of Special Marriage Petition No.01 of 2021, pending before the District Court, Solapur to the Family Court, Pune.

2. On 01/09/2021, notice was issued to the respondent for final disposal and it was made returnable on 05/10/2021. The office noting dated 27/09/2021 reflects that the notice is served to the sole respondent. The application was again listed on 05/10/2021 and the counsel for the applicant was directed to place on record the affidavit of service, which is accordingly placed on record. On 22/10/2021, the office again put up a noting that the notice is served to the respondent. However, today when the matter was called out, neither the respondent

nor his counsel is present and I am left with no other option, but to hear the counsel for the applicant on merits and decide the application.

3. The marriage between the applicant and the respondent was solemnized in the year 2015 and a child is born out of the said wedlock. Since, the relations between the parties became estranged, the applicant instituted the proceedings under the Domestic Violence Act and under Section 498A of the Indian Penal Code in the Court at Pune, whereas the husband instituted a Special Marriage Petition in the District Court at Solapur under the Special Marriage Act, seeking dissolution of marriage.

4. The applicant is seeking transfer of the proceedings from the District Court, Solapur to the Court at Pune on account of the difficulty posed by her in attending the proceedings by traveling a distance of around 262 kms, one way, with her young child, who is presently four years old. Moreover, she has also put forth the financial difficulty in taking the journey to attend the proceedings, as she is presently residing with her father, who is without any source of income.

5. In the wake of the aforesaid difficulties expressed by the applicant, I am convinced to exercise the power to transfer the proceedings from Solapur to Pune on the ground that the applicant is a lady, who is having four years' old child and with the said child, it is difficult for her to take journey

approximately 500 kms, both ways, in attending the proceedings. On the other hand, it would be convenient for the respondent/husband if the proceedings are transferred at Pune. He can attend the proceedings filed by the applicant/wife as well as the proceedings of the Special Marriage Petition.

6. In the wake of the aforesaid reasons, the Misc. Civil Application is allowed in terms of prayer clause (a). The District Court, Solapur shall take immediate steps to transmit the Special Marriage Petition No.01 of 2021, pending before it to the Family Court at Pune. No order as to costs.

(SMT. BHARATI DANGRE, J.)