

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO. 351 OF 2019**

Sou. Janavi Amar Kakade Applicant.

V/s

Amar Ashok Kakade Respondent.

Mr. Suresh M. Kamble for the Applicant.

CORAM: NITIN W. SAMBRE, J.

DATE: JULY 08, 2021

P.C.:-

1] Heard Mr. Kamble, the learned Counsel for the Applicant.

2] Transfer of divorce petition No.76 of 2016 from the file of Civil Judge, Senior Division, Sindhudurg to the Court of Civil Judge, Senior Division, Kolhapur is sought on the ground of hardship. Marriage between the parties was solemnized on 17/1/2012.

3] It is the case of the Applicant that she started residing at

Kolhapur alongwith her parents and restitution of conjugal rights proceedings under Section 9 of the Hindu Marriage Act are also pending at Kolhapur. The issue of hardship in regard to travel from Kolhapur to Sindhudurg is pressed.

4] The aforesaid contentions are not controverted by the Applicant. In the aforesaid background, the issue of hardship has to be weighed in favour of the Applicant. The other proceedings being proceedings for restitution of conjugal rights are also pending at Kolhapur. As such, Application stands allowed in terms of prayer clause 17(a) which reads as under:-

“17(a) Issue necessary directions and/or order transferring the divorce petition No.176/2016 from the Court of Civil Judge, (SD), Sindhudurg to the court of civil judge (SD) Kolhapur.”

(NITIN W. SAMBRE, J.)