

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISC. CIVIL APPLICATION NO.310 OF 2018

Mrs. Kishori Joshi

...Applicant

Versus

Uday Joshi

...Respondent

....

Mr. Ashok B. Tajane for the Applicant.

Mr. Muralidhar Khadilkar with Mr. Aakash Joshi i/b. M/s. MAG Legal for the Respondent.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 31st MARCH, 2021.

P.C.:-

Learned counsel for the Applicant states that there is a typographical error in ground (H), page No.4 of the application where domestic violence case number is wrongly typed as 'M.A. No.39 of 2018' instead of 'PWDVA Application No.39 of 2018'. He further states that there is also an error in prayer clause (a) wherein the word 'Family Court' is wrongly typed instead of 'Civil Judge, Senior Division'. He therefore seeks leave to amend. Leave is granted. Necessary amendment be carried out forthwith.

2. The Applicant herein has sought transfer of Divorce Petition

No.1268 of 2017, which is pending before the Family Court, Pune to C.J.S.D., Chalisgaon, Jalgaon.

3. Heard learned counsel for the Applicant and learned counsel for the Respondent. Perused the records. It is on record that the Application under Section 125 of Cr.P.C being Criminal Misc. Application No.182 of 2018 as well as the Domestic Violence proceedings No.39 of 2018 filed by the Applicant-wife are pending before J.M.F.C., Chalisgaon. Whereas the divorce proceedings filed by the Respondent-husband are pending before the Family Court, Pune. It is stated that the Applicant is a resident of Chalisgaon and that the distance between Chalisgaon and Pune is 314 km. The Applicant has stated that she is residing alongwith her parents and being a lady it is not possible for her to travel from Chalisgaon to Pune.

4. In view of the above facts and the fact that the Respondent is otherwise appearing in the proceeding filed by the Applicant-wife before the learned J.M.F.C., Chalisgaon, no inconvenience would be caused to him if the Divorce Petition is transferred from Pune to Chalisgaon.

5. Under the circumstances, the application is allowed in terms

of prayer clauses (a) and (b). Divorce Petition bearing P.A. No.1268 of 2017 pending before the Family Court, Pune is ordered to be transferred to Civil Judge, Senior Division, Chalisgaon with further directions to forward record and proceedings to C.J.S.D., Chalisgaon.

(SMT. ANUJA PRABHUDESSAI, J.)