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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO.34 OF 2022**

Prachi Prasad Borade
V/s
Prasad Bajrang Borade
and Ors.

.... Applicant.

.... Respondents.

Ms. Rekha Musale i/b Bhagyashri R. Mangale for the Applicant.
None for the Respondent.

CORAM: NITIN W. SAMBRE, J.

DATE: APRIL 06, 2022

P.C.:-

1] By way of present Application, Applicant is seeking transfer of D.V. 23 of 2021 pending before the Court of Additional Chief Metropolitan Magistrate at Girgoan to the Court of Chief Metropolitan Magistrate at Kolhapur.

2] It is informed that earlier proceedings being D.V. 315 of 2011 initiated before the Chief Judicial Magistrate at Kolhapur under the very same provisions have been settled through mediation in 2012.

3] Counsel for the Applicant submits that Applicant is custodian of minor children and residing with her parents at Kolhapur. According to her, Applicant will face hardship if she is made to travel to attend the proceedings at Mumbai.

4] Prayer is not opposed, as Respondents have chosen to remain absent, though served.

5] Considering the fact the Applicant is a custodian of two minor children, distance between Kolhapur and Mumbai and the fact that Applicant is not getting maintenance, case for transfer on the ground of hardship is made out.

6] Application is accordingly allowed in terms of prayer clause (b). D.V. 23 of 2021 pending before the Court of Additional Chief Metropolitan Magistrate at Girgoan is directed to be transferred to the Court of Chief Metropolitan Magistrate at Kolhapur.

(NITIN W. SAMBRE, J.)