

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO. 83 OF 2019**

ANITA RAJENDRA MHASKARApplicant.
V/s
RAJENDRA TATYABA MHASKAR & ORS Respondents.

**WITH
MISC. CIVIL APPLICATION NO.84 OF 2019**

ANITA RAJENDRA MHASKARApplicant.
V/s
RAJENDRA TATYABA MHASKAR & ORS Respondents.

Mr. Vasant B. Ghorpade for the Applicant in both the above Applications.
Mr. Dilip Bodake for Respondent No.1 in both the above Applications.

CORAM: NITIN W. SAMBRE, J.

DATE: FEBRUARY 16, 2022

P.C.:-

1] In continuation to the order dated 9/2/2022, Counsel for the non-applicant informs that he has made enough efforts but the non-applicant has not established any contact with him to give further instructions in the matter. Applicant-wife is verymuch present in Court. As such, what can be noticed is, non-applicant has tried to misled the Court by making an incorrect statement that Applicant and non-applicant are residing together.

2] In the aforesaid background, this Court has proceeded to appreciate contentions raised in the Application, seeking transfer. Fact remains that transfer is sought on the ground of hardship, as it is claimed by the Applicant-wife that she is residing at Bandra, Mumbai and proceedings being Cri M.A. No.34 of 2017 are pending on the file Judicial Magistrate, First Class, Satara. It is also brought to my notice that Section 9 Petition moved by the non-applicant is pending on the file of Civil Judge, Senior Division, Satara which is subsequently transferred to the Family Court, Satara.

3] Since the issue of hardship is very much established on the ground that Applicant-wife will be required to travel almost 500 kilometers one way and non-applicant is not willing to pay any travel charges, both the applications are allowed in terms of prayer clause (a).

Prayer clause (a) of Misc. Civil Application No.83 of 2019 reads as under:-

“a) The 12th Judicial Magistrate First Class, Satara, to transfer all records and proceeding of Cri. M.A. no.34 of 2017 Exhibit “1” from said Court to Family Court at Bandra, Mumbai within one month from date of passing order by this Hon’ble Court.”

Prayer clause (a) of Misc. Civil Application No.84 of 2019 reads

as under:-

“a) The Ld. Civil Judge Sr. Div. Court, Satara, to transfer all records and proceeding of H.M.P no.230 of 2017 Exhibit “1” from said Court to Family Court at Bandra, Mumbai within one month from date of passing order by this Hon’ble Court.”

4] Both these Applications are accordingly disposed of.

(**NITIN W. SAMBRE, J.)**