

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO. 286 OF 2022

Pranali Nikhil Bansode	.. Applicant
Versus	
Nikhil Khandu Bansode	.. Respondent

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Mr. Sharad T. Bhosale, Advocate for the Applicant.
Mr. Amol B. Jagtap, Advocate for Respondent.

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CORAM : MILIND N. JADHAV, J.
DATE : 25th November, 2022.

P.C.:

. Heard.

2. Respondent has filed Affidavit-in-Reply dated 24.11.2022.
3. Parties got married on 29.05.2019. Respondent – husband initiated proceedings for dissolution of marriage / divorce bearing Marriage Petition No.A-458 of 2022 pending on the file of Family Court, Pune of which transfer is sought by Applicant to Civil Judge Senior Division, Barshi, where she resides with her parents.
4. Considered the objections in the Affidavit-in-Reply dated 24.11.2022 filed on behalf of Respondent. Respondent has opposed the Application seeking transfer on the ground that son is in his custody. Advocate for Applicant has placed on record order dated 18.04.2022 passed by Judicial Magistrate First Class, Barshi to hand over custody of the son to Applicant. Appeal filed by Respondent

against the said order in Barshi is pending. Applicant has filed D.V. Act proceedings in Barshi wherein Respondent has raised a jurisdictional issue. According to Respondent contention of hardship raised is merely on financial grounds and he is ready and willing to reimburse the expenses of the Applicant during her visits to Pune at the time of hearing.

5. Perused the grounds of hardship as pressed in paragraph Nos.20 to 24 of the Application. There is one minor child (son) aged 2 and ½ years who is in the custody and care of Respondent. It is Applicant's case that on 27.01.2022 Respondent forcefully took away their son to Pune without her consent. As Applicant – wife will be required to travel from Barshi to Pune to attend the proceedings, it will cause prejudice and hardship to her.

6. In my opinion, ground of hardship has to be considered in favour of the Applicant, as one way distance between Pune and Barshi is approximately 225 kilometers.

7. After carefully considering the submissions advanced by both sides, it is seen that Respondent is attending the D.V. Act proceedings at Barshi. The ground of hardship having considered and alluded to hereinabove is in favour of Applicant. In view of the above, Application is allowed and disposed of in terms of prayer clause (a) which reads as under:-

“a. This Hon'ble Court be pleased to transfer the Marriage Petition No. A-458 of 2022 pending in the file of Family Court, Pune to the file of Ld. Civil Judge Senior Division, Barshi to be heard in the matter accordingly as per law.”

[MILIND N. JADHAV, J.]

