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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO. 32 OF 2022**

MRS. SHEETAL NIKHIL PTIL

....APPLICANT

V/s.

MR. NIKHIL BHAGWAT PATIL

....RESPONDENT

Mr. Abhijeet A. Joshi a/w Varsha Sawant, Swapnil Jadhav Advocate
for the Applicant

Mr. Nitesh J. Mohite for Respondent

CORAM : NITIN W. SAMBRE, J.

DATE: MARCH 2, 2022.

P.C.:

- 1) Heard learned counsel for the Applicant.
- 2) After marriage on 04/05/2016, parties due to matrimonial discord, parted their ways. Applicant-wife initiated proceedings under Protection of Women from Domestic Violence Act at Shahada and started to pursue her further studies.
- 3) Apart from above, Applicant has initiated criminal prosecution for offence punishable under Section 498(A) of Indian Penal Code which is also pending at Shahada Police Station.

- 4) Non-Applicant has initiated proceedings under Section 13(i) (ia) of Hindu Marriage Act for judicial separation in the Court of Civil Judge Senior Division, Satara of which transfer is sought on the ground of inconvenience and hardship as Applicant for attending said proceedings will be required to travel around 500 Kms one way.
- 5) The fact remains that non-Applicant husband is already appearing in the proceedings at Shahada which are initiated by Applicant-wife under Domestic Violence Act.
- 6) Apart from above, Applicant, if made to travel, she will suffer hardship as travel distance is of two days.
- 7) That being so, ground of hardship is established.
- 8) Application is allowed in terms of prayer clause (a) which reads thus:

“(a) This Hon’ble court be pleased to Transfer the said Marriage Petition No. 550/2021 pending before the 2nd Joint Civil Judge Senior Division, Satara to the Court of CJSD at Shahada.”

[NITIN W. SAMBRE, J.]