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Corrected pursuant to speaking to the minutes of order dated 11th February, 2022.

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

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MISC. CIVIL APPLICATION NO.12 OF 2021

Sou. Shital Jitendra Dalavi ..Applicant

Versus

Shri. Jitendra Mahadev Dalavi ..Respondent

Ms. Pranali Railkar i/by Ajay A. Joshi, for the Applicant.

Mr. Abhijit Tulsankar, for the Respondent.

CORAM : NITIN W. SAMBRE, J.

DATE : 27th JANUARY, 2022

PC.

1. The proceeding being HMP No.A-139 of 2021 pending on the file of Family Court at Satara is sought to be transferred to the learned Civil Judge Senior Division, Khed at Rajgurunagar, District Pune.

2. The aforesaid proceedings are in the nature of Section 9 of Hindu Marriage Act, 1955 ("Hindu Marriage Act" for short) for restoration and in alternate divorce under Section 13 of the Hindu Marriage Act initiated by the respondent/husband.

3. The prayer for transfer is supported for the reasons, (a) applicant is employed; (b) applicant is custodian of minor daughter; and (c) considering the distance, travel time, applicant will suffer grave hardship.

4. While countering the claim, counsel for the non-applicant submits that apart from the fact that applicant everyday travels about 30 kilometers so as to attend her employment, the non-applicant is willing to bear travel expenses and out of pocket expenses. He would further claim that parties have tried amicably to settle the matter through mediator, but in vain.

5. As far as the issue of mediation is concerned, counsel for the applicant submits that she has no further instructions in that regard.

6. Having appreciated the rival submissions, it is apparent that the applicant is working lady, who is custodian of minor child i.e. daughter aged about 8 years. In that view of the matter, applicant will suffer comparatively more hardship, even non-applicant has offered travel expenses.

7. That being so, application stands allowed.

[NITIN W. SAMBRE, J.]