

Anand

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

MISCELLANEOUS CIVIL APPLICATION 136 OF 2022

Sou. Chaitali Prathmesh Pawar .Applicant
(Before marriage Chaitali Sunil Bagul)

Vs.

Dr. Prathmesh Makarand Pawar .Respondent

Mr. R. S. Alange, Advocate, for the Applicant
Mr. Dilip P. Devadiga, Advocate, for the Respondent
Sou. Chaitali Pawar, Applicant-in-person present

CORAM : ROHIT B. DEO, J.

DATE : 04.07.2022

P. C.

. This Application is preferred by the Applicant - wife seeking transfer of Petition A-135 of 2021 instituted by the Non-Applicant - husband from the Family Court, Kolhapur to the Court of the learned Civil Judge, Senior Division, Kalyan.

2. The transfer is sought on the premise that the Applicant has one year old daughter and she would find it extremely inconvenient to attend the proceedings at Family Court, Kolhapur, since she is residing at Titwala with her

mother and the child. The inconvenience which the wife would suffer, if she is compelled to attend the Court proceedings at Family Court, Kolhapur is spelt out with particularity in ground c. In particular, the Applicant - wife states that she is living at Titwala at the mercy of her maternal uncle and that she has no source of income. During the course of hearing, some grievance was made by the Non-Applicant - husband that the Applicant - wife is not complying with the order passed by the Family Court, Kolhapur permitting access to the child. This grievance or apprehension is allayed by the Applicant - wife by placing on record undertaking which is to the effect that she is ready and willing to obey and abide by the Order dated 09.02.2022 passed by the learned Family Court, Kolhapur regarding visitation rights of the Non-Applicant - husband.

3. The Non-Applicant - husband on his part has placed on record an Affidavit which purports to grant no objection to transfer subject to several conditions. In view of the conditions which are articulated in the Affidavit and, the litigant has no right to insist on such conditions, the

Affidavit is rejected.

4. On merits, I am satisfied that the Applicant - wife has made out a case for transfer of the proceedings. However, I note that the Application preferred by the Applicant - wife under the provisions of the Protection of Women from Domestic Violence Act, 2005 bearing PWDVA 184 of 2021 is pending in the Court of the learned Judicial Magistrate First Class, Kalyan. It would be appropriate, if the said Application under the D. V. Act and the Marriage Petition which is pending in the Family Court, Kolhapur are transferred to the Family Court at Thane.

5. Marriage Petition A-135 of 2021 and PWDVA 184 of 2021 are transferred to the Family Court at Thane with a request to the learned Judge to dispose of both the proceedings expeditiously.

6. The Misc. Application is disposed of.

(ROHIT B. DEO, J.)