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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO. 247 OF 2021**

RINA SUMIT YADAV

....APPLICANT

V/s.

SUMIT SAMBHAJI YADAV

.....RESPONDENT

Mr. Laxmikant Shrimangale Advocate for the Applicant

CORAM : NITIN W. SAMBRE, J.

DATE: APRIL 25, 2022.

P.C.:

- 1) Though served, none appears for Respondent.
- 2) Parties hereto got married on 16/12/2019. Out of matrimonial discord, Applicant-wife has initiated proceedings Marriage Petition No. 2/2020 pending on the file of District Judge-1, Kelapur. Non-Applicant husband initiated proceedings being Petition No. A/423 of 2020 on the file of Family Court, Pune under Section 22 of the Special Marriage Act thereby seeking restitution of conjugal rights. Transfer of the aforesaid Application is sought on the ground of hardship.
- 3) As observed herein above, though served none appears for the Respondent and ground of hardship is not resisted.

4) I have considered the submissions.

5) The distance between Pune and Kelapur, Dist. Yavatmal primarily appears to be one way around 600 Kms. It is informed that after matrimonial discord, Applicant has started residing with her parents at Yavatmal which has prompted her to initiate the aforesaid proceedings. In the aforesaid background, considering the long distance which the Applicant will be required to travel to attend the proceedings initiated by Respondent-husband, in my opinion, case for transfer is made out. Application is allowed in terms of prayer clause (a) which reads thus:

“(a) The entire proceedings of the Petition No. 423 of 2020 filed by the Respondent under the Special Marriage Act, before the learned Family Court Pune at Pune, may kindly be ordered to transfer before the learned District Judge No. 1 at Kelapur, Dist. Yavatmal where the Petitioner has filed petition bearing Petition No. 2/2020, under section 25(iii) of Special Marriage Act, for declaring the said marriage (vide Marriage Registration Certificate No. 4630) as null and void.”

[NITIN W. SAMBRE, J.]