

R.M. Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 209 OF 2022

Puja @ Sonali Nikhil Dive

.. Applicant

Versus

Nikhil Ashok Dive

.. Respondent

.....
Ms. Kavita P. Shinde for the Applicant

None for Respondent

.....
CORAM : MILIND N. JADHAV, J.

DATE : 25th November, 2022.

P.C.:

. Heard.

2. Though served, none appears for the Respondent. Affidavit of service has been filed.

3. Parties got married on 21.11.2016. Respondent – husband initiated proceedings for restitution of conjugal rights pending on the file of Civil Judge Junior Division, Buldhana of which transfer is sought by Applicant to Family Court, Solapur, where she resides. Applicant filed Domestic Violence Proceedings No. 1121/2018 at Solapur.

4. Perused ground of hardship which is pressed in paragraph Nos. 3A to 3H of the Application. As Applicant – wife will be required to travel from Solapur to Buldhana to attend the proceedings, it will

cause prejudice and hardship to her.

5. Since the contentions are not controverted, in my opinion, ground of hardship has to be considered in favour of the Applicant, as one way distance between Solapur and Buldhana is 394 kilometers.

6. As such, Application is allowed and disposed of in terms of prayer clause (a). Prayer clause (a) which reads as under:-

“(a) This Hon’ble Court be pleased to Transfer of Hindu Marriage Petition No. 332 of 2018 filed by the Respondent Husband in the Court of learned Civil Judge Senior Division Buldhana to the learned Family Court at Solapur.”

[MILIND N. JADHAV, J.]

Digitally
signed by
RAVINDRA
MOHAN
AMBERKAR
Date: 2022.11.28
10:29:59
+0530