

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 283 OF 2022

Martina alias Meaty Paul Fernandes	.. Applicant
Versus	
Paul Edward Fernandes	.. Respondent

-
- Ms. Vaishnavi Kamble for Applicant
 - None for Respondent
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CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 28, 2022

P.C.:

- 1.** Heard.
- 2.** Though served, none appears for the Respondent.
- 3.** Parties got married on 10.10.1987. Respondent – husband initiated proceedings for divorce pending on the file of Additional District and Sessions Court at Malegaon, Nashik of which transfer is sought by Applicant to Family Court, Bandra as she is residing in Dahisar (W), Mumbai.
- 4.** Perused grounds of hardship which are pressed in paragraph Nos. 11 to 14 of the Application. As Applicant – wife will be required to travel from Mumbai to Malegaon, Nashik 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.

6. In view of the above, Application is allowed and disposed of in terms of prayer clause (a) which reads as under:-

“(a) That this Hon’ble Court be pleased to transfer the Marriage Petition No. 1 of 2016 filed under Section 10 of the Indian Christian Marriage Act, 1872 filed before the Additional District and Sessions Court at Malegaon, Nashik to the Hon’ble Family Court, Bandra, Mumbai.”

[MILIND N. JADHAV, J.]

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