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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO. 166 OF 2021**

SAU. NEEKITA @ NISHMITA

W/O. TIMMY VIADYA

....Applicant.

V/s

TIMMY S/O. BHARDWAJ VAIDYA

.... Respondent.

Mr. Vinod Sangvikar a/w Mr. Yogesh Morbade i/b Mahadeo L. Dhone
for the Applicant.

None for the Respondent.

CORAM: NITIN W. SAMBRE, J.

DATE: FEBRUARY 16, 2022

P.C.:-

1] Though served, none appears for the non-applicant.

2] Parties got married on 5/11/2017. Applicant-wife initiated proceedings for restitution of conjugal rights pending on the file of Family Court, Bandra. Non-applicant/husband initiated proceedings for divorce under Section 13 of the Hindu Marriage Act which is pending on the file of Family Court, Nagpur of which transfer is sought. The ground of hardship is pressed, as Applicant-wife will be required to travel from Mumbai to Nagpur to attend the proceedings, whereas I am informed that non-applicant/husband has chosen not to attend the proceedings at Mumbai.

3] 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 Mumabi and Nagpur is 800 kilometers.

4] As such, Application is allowed in terms of prayer clause (a). Prayer clause (a) reads as under:-

“(a) This Hon’ble Court may be pleased to transfer Petition No.A-796 of 2020 which is pending before the Ld. Family Court, Nagpur to the Court of Ld. Family Court Mumbai.”

5] Application is disposed of.

(NITIN W. SAMBRE, J.)