

R.M. Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 353 OF 2022

Vrushali Swapnil Pendharkar

.. Applicant

Versus

Swapnil Prabhakar Pendharkar

.. Respondent

.....

Mr. Ashok Sitaram Pandire for Applicant

Mr. Ashwin Pimpale i/by Mr. Rameshwar N. Gite for Respondent

.....

CORAM : MILIND N. JADHAV, J.

DATE : 25th November, 2022.

P.C.:

. Heard.

2. Though served on 17.08.2022, Respondent has not filed reply. He is represented by Advocate.

3. Parties got married on 14.02.2021. Respondent – husband initiated proceedings for divorce which is pending on the file of Family Court, Pune of which transfer is sought by Applicant to Family Court, Nashik, where she resides. D.V. Act proceedings are also pending at Nashik. Applicant is a housewife.

4. Mr. Pimpale, learned Advocate for Respondent submitted that Applicant is a graduate and able to travel on her own. Further Respondent is ready and willing to provide finance to her as and when she attends the proceedings at Pune. That Respondent's parents are

old and require his assistance and further his business may also suffer if he is required to travel to Nashik.

5. Perused the grounds of hardship pressed in paragraph Nos. 5(i) to 5(viii) of the Application. As Applicant – wife will be required to travel from Nashik to Pune to attend the proceedings, it will cause prejudice and hardship to her. The grounds cited by Applicant though controverted by Respondent, there is no affidavit and material to support his objections. Hence, 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) This Hon’ble Court may be pleased to transfer the proceedings of Marriage Petition No. A-342 of 2022 filed by Respondent and pending before the learned Family Court, Pune by transfer to learned Family Court, Nashik in the interest of justice.”

[MILIND N. JADHAV, J.]

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