

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISC. CIVIL APPLICATION NO.224 OF 2021

Mrs. Naina Shailendra Gaikwad ..Applicant
Versus
Mr. Shailendra Jugalkishor Gaikwad ..Respondent

Ms. Mankunwar Deshmukh, for the Applicant.
Ms. Reshma Mutha i/by Aditya S. Raktade, for the Respondent.

CORAM : NITIN W. SAMBRE, J.

DATE : 17th FEBRUARY, 2022

PC.

1. The prayer for transfer is opposed on the ground that such efforts are taken out at belated stage. This Court's attention is invited to the roznama of the proceedings recorded by the Family Court, Bandra. As such, it is claimed that since proceedings, of which transfer is sought has reached at advanced stage, the Court should reject the prayer for transfer.

2. I have considered submissions.

3. The fact remains that applicant volunteered to reside with the non-applicant which request is not accepted by the non-applicant during the course of argument. Apart from above, fact remains that the proceedings under Section 9 of the Hindu Marriage Act for restitution of conjugal rights initiated by applicant are

pending adjudication before the Civil Judge Senior Division, Satara which are duly attended by the non-applicant

4. In the aforesaid background, if we consider the stage of divorce proceedings has reached, the effective trial in the same is yet to be commenced.

5. Considering the distance between Satara and Bandra Court and the fact that the applicant is custodian of the minor son, applicant will suffer more hardship.

6. That being so, application stands allowed in terms of prayer clause (a).

[NITIN W. SAMBRE, J.]