

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

MISC. CIVIL APPLICATION NO.262 OF 2021

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Sou. Yogita Krupal Paluskar

Before Marriage

Kum. Yogita Laxman Kurade

..Applicant

Versus

Krupal Krishnarao Paluskar and Ors.

..Respondents

Mr. Rahul S. Kadam, for the Applicant.

None for the Respondent.

CORAM : NITIN W. SAMBRE, J.

DATE : 31st JANUARY, 2022

PC.

1. Heard Mr. Rahul Kadam, learned counsel for the applicant/wife.

2. Parties to the application got married on 2nd May, 2015 at Kherdi, Taluka Chiplun, District Ratnagiri.

3. The applicant is alleged to be a patient of kidney failure and is undergoing treatment for the same. The applicant out of matrimonial discord initiated proceedings under DV Act being Criminal Misc. Application No.17 of 2020 against the respondent pending on the file of Judicial Magistrate First Class, Chiplun Court whereas proceedings under Section 9 of the Hindu Marriage Act for

restitution of conjugal rights initiated by the respondent/husband are pending on the file of Civil Judge Junior Division, Pune. As such, prayer for transfer of restitution of conjugal rights proceedings.

4. Though served none appears for the respondent as the applicant has placed on record affidavit of service.

5. Since the contents in the application are not controverted and having regard to the distance between Chiplun and Pune as also health condition of the applicant, case for transfer of the proceedings is made out on the ground of hardship.

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

[NITIN W. SAMBRE, J.]