

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

MISC. CIVIL APPLICATION NO. 01 OF 2022

Mrs. Snehal Vijay Phalke
Alias Snehal Dilip Salunkhe

....Applicant

Versus

Mr. Vijay Shivaji Phalke

....Respondent

Pritesh Burad Associates Advocate for the Appellant
Balwant Vitthal Salunkhe Advocate for the Respondent

CORAM : S. G. DIGE, J.

DATE : 9th DECEMBER, 2022.

P.C. :

1. Heard learned counsel for the applicant and learned counsel for the respondent.
2. Learned counsel for the respondent submits that applicant stays at Thane. Applicant has filed proceeding under Domestic Violence Act against the respondent at Thane which is pending as well as applicant has also filed Criminal Complaint against the respondent under Section 498 of the Indian Penal Code which is pending at Thane. The respondent has filed Divorce Petition against

the applicant under Section 13(1)(a) of the Hindu Marriage Act which is pending at Civil Court, Senior Division, Satara bearing H.M.P. No. 284/2021. The applicant works at Thane. She lives with her parents. She takes care of her parent, it is inconvenient for her to attend the dates of Divorce Petition at Satara. Hence, requested to allow the application and transfer the Marriage Petition pending at Satara to Principal Judge, Family Court, at Thane.

3. Learned counsel for respondent strongly objected for transfer of the Marriage Petition to Thane on the ground that applicant is ready to take divorce by mutual consent, she has stated so in her application. If applicant is ready for divorce by mutual consent, then it is not necessary to transfer the Divorce Petition. She is not dependent on her parents. Hence, requested to dismiss the application.

4. I have heard both learned counsels. On last date this court had sent the matter for mediation but mediation has failed. Applicant is staying with her parents. She is unemployed, Satara is more than 200 k.m. from Thane. It would cause hardship to applicant to attend the dates of pending proceeding at Satara. Hence, I pass following order.

ORDER

1. Application is allowed.
2. The Marriage Petition under Section 13(1)(a) of the Hindu Marriage Act bearing No. 284 of 2021 pending before 4th Civil Judge, Senior Division, Satara be transferred to Principal Judge, Family Court, Thane.
3. Learned Principal Judge, Family Court, Thane is requested to dispose of this petition as early as possible preferably within six months from the date of receipt of this order.

(S. G. DIGE, J.)