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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 5 OF 2022

SAMRUDDHI AMIT BERDE

....APPLICANT

V/s.

MR. AMIT VASANT BERDE

....RESPONDENT

Mr. Ajit V. Alange for the Applicant

CORAM : NITIN W. SAMBRE, J.

DATE: FEBRUARY 28, 2022.

P.C.:

1) Though served, none appears for the non-applicant husband. After marriage got solemnized on 17/12/2018 at Ratnagiri, I am informed that parties are blessed with a child of whom applicant is custodian of.

2) Non-Applicant initiated proceedings under Section 13 of Hindu Marriage Act for divorce whereas Applicant initiated proceedings before the Court of Magistrate at Solapur under Protection of Women from Domestic Violence Act.

3) Alleging hardship, transfer is sought of divorce proceedings from the Court of Ratnagiri to Court at Solapur. Considering the distance between Ratnagiri and Solapur and applicant is custodian of minor child, if she is made to travel, she is likely to suffer more hardship. Rather it will be convenient to non-Applicant to attend the proceedings at Solapur.

4) That being so, Application is allowed in terms of prayer clause (b) which reads thus:

“That this Hon’ble Court be pleased to transfer the hearing of Marriage Petition No. 136 of 2021 filed by the Respondent herein, pending on the file of the Ld. Civil Judge Senior Division, Ratnagiri to the file of Ld. Family Court Solapur at Solapur, having similar jurisdiction to try and entertain the same.”

[NITIN W. SAMBRE, J.]