

AGK

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

**MISCELLANEOUS CIVIL APPLICATION NO.355 OF 2022**

|                                |                |
|--------------------------------|----------------|
| Dr. (Sou) Tejashree Amol Patil | ... Applicant  |
| <b>V/s.</b>                    |                |
| Dr. Amol Rangrao Patil         | ... Respondent |

Mr. Rahul B. Vijaumane i/by Mr. S.A. Rajeshirke for the applicant.

Mr. Y.P. Morbale for the respondent.

**CORAM : AMIT BORKAR, J.**

**DATED : JANUARY 19, 2023**

**PC.:**

1. The miscellaneous civil application is by the wife seeking transfer of proceedings pending before learned Civil Judge Senior Division, Kolhapur to the Family Court in Sangli.
2. On 28<sup>th</sup> April 2015 the applicant and respondent got married as per Hindu Rites. On 24<sup>th</sup> March 2018 the applicant delivered a boy child. Due to differences between them, respondent filed Hindu Marriage Petition No.558 of 2019 for dissolution of marriage before learned Civil Judge Senior Division, Kolhapur. On 16<sup>th</sup> July 2022 the applicant filed First Information Report No.197 of 2022. On 21<sup>st</sup> July 2022 the applicant filed Petition No.678 of 2022 before Family Court for restitution of conjugal rights.

**3.** The applicant, therefore, filed present miscellaneous civil application seeking transfer of proceedings pending before the Court in Kolhapur to the Court in Sangli. The applicant has stated on oath that the distance between Sangli and Kolhapur is about 50 kms. The applicant is residing in Sangli whereas the respondent is residing at Peth Vadgaon, Taluka Hatkanangale, District Kolhapur. The distance between Peth Vadgaon and Sangli is about 30 to 35 kms. whereas the distance between Peth Vadgaon to Kolhapur is around 20 kms. Therefore, transfer of proceedings would not make much difference to the opponent.

**4.** Considering the fact that the applicant is residing in Sangli and another proceedings filed by the applicant is in Sangli, the applicant has made out a case for grant of relief.

**5.** For the reasons stated above, the miscellaneous civil application is allowed in terms of prayer clause (a).

**(AMIT BORKAR, J.)**