

AGK

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

MISCELLANEOUS CIVIL APPLICATION NO.382 OF 2022

Prital Amol Kulkarni	... Applicant
V/s.	
Amol Ashok Kulkarni	... Respondent

Mr. Rajesh More for the applicant.

Mr. Shekhar V. Mane i/by Mr. Kedar P. Lad for the respondent.

CORAM : AMIT BORKAR, J.

DATED : MARCH 3, 2023

P.C.:

- 1.** The applicant/wife has filed present miscellaneous civil application seeking transfer of Marriage Petition No.8 of 2019 pending before the District Judge, Kolhapur filed under Section 27(d) of the Special Marriage Act, 1954 to the District Court, Pune.
- 2.** The marriage between applicant and respondent took place on 1st December 2016. Due to matrimonial differences, parties started residing separately.
- 3.** The applicant has filed Criminal Miscellaneous Application No.757 of 2018 under section 12 of the Domestic Violence Act before Judicial Magistrate First Class, Pune. The husband thereafter filed divorce petition bearing Marriage Petition No.8 of

2019 under section 27(d) of the Special Marriage Act, 1954 before District Judge, Kolhapur.

4. The applicant has, therefore, filed present miscellaneous civil application seeking transfer of proceedings from Kolhapur to Pune.

5. This Court on 30th September 2022 issued notice to the respondent. In pursuance of the said notice, learned advocate for respondent/husband is present. He submitted that the reasons mentioned in the application are not sufficient to transfer the proceedings. He, therefore, prayed for rejection of the application.

6. On perusal of the application, it appears that the wife has stated on oath that she resides in Pune. The distance between Pune and Kolhapur is around 240 kms. and it takes four hours travel time to reach Kolhapur. There is no one in her family to accompany her to travel to Kolhapur. She has already filed proceedings under Domestic Violence Act before Judicial Magistrate First Class, Pune bearing Criminal Miscellaneous Application No.757 of 2018. The husband would, therefore, be required to attend the proceedings in Pune.

7. Therefore, considering the convenience caused to the wife, the husband would be coming to Pune for attending the proceedings under Domestic Violence Act, the request for transfer deserves to be granted.

8. For the aforesaid reasons, the miscellaneous civil application is allowed in terms of prayer clause (a). No costs.

(AMIT BORKAR, J.)