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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.118 OF 2022

Sau. Priyanka Harshal Bhavsar	...Applicant
V/s.	
Harshal Vinod Bhavsar	...Respondent

Mr. Himanshu Pujari i/by Mr. M. N. Sandhyanshiv for Applicant.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 03, 2023

P.C.:

1. The application is filed by wife seeking transfer of proceedings from Court at Kalyan to the Court at Malegaon. On 2nd June 2016, marriage between the applicant and respondent was performed. Due to their matrimonial differences, the applicant filed application for maintenance before the learned Judicial Magistrate, First Class, at Satana bearing Criminal Miscellaneous Application No.202 of 2016. The respondent, thereafter, filed Marriage Petition No.933 of 2019 before the learned Civil Judge, Senior Division, Kalyan, for divorce under Section 13(1) (i-a)(i-b) of the Hindu Marriage Act, 1955.

2. The applicant has, therefore, filed present petition seeking transfer of proceedings.

3. This Court by order dated 17th March 2022, issued notice to respondent on both addresses. Office remark dated 28th

March 2022 show that the notice of respondent had been served on the opponent through his father. None appears for the opponent, either personally or through the advocate.

4. The applicant has stated on oath that she being lady, it is inconvenient for her to attend court proceedings at Kalyan. She is unable to travel to Kalyan alone. The distance between her place of residence to Kalyan is around 260 km. and would require 5 to 6 hours journey in one way.

5. In the absence of challenge by of reply by the husband, the averments in paragraph no.7 are uncontested. The applicant has, therefore, made out a case for transfer.

6. The application is, therefore, allowed in terms of prayer clause (b).

(AMIT BORKAR, J.)