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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 113 OF 2022**

Nikita Aditya Wakchaure Alias Nikita	
Sunil Rajbhoj	... Applicant
V/s.	
Aditya Bhagwat Wakchaure	... Respondent

Ms. Saurabhi Vadhavkar i/b Mr. Sachin Dhakephalkar
for the applicant.

Mr. Nitin Parkhe for the respondent.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 6, 2023

P.C.:

1. The application is filed by the wife for transfer of the proceedings bearing Hindu Marriage Petition No.322 of 2020 pending before the learned Family Court, Bandra, Mumbai to the learned Civil Judge Senior Division, Kalwan Dist. Nashik.
2. Marriage between applicant and respondent was solemnized on 21st September, 2018. As there was dispute between the applicant and respondent, the applicant filed criminal proceeding against the husband. The husband filed Hindu Marriage Petition No.322 of 2020 seeking divorce before the Family Court, Bandra, Mumbai. The petitioner objected to the said petition by filing written statement.

3. The petitioner has, therefore, filed present application seeking transfer of proceedings to the District Nashik mainly on the ground that she is staying at Kalwan with her parents and has no independent source of income as her father is handicap and hardly earns any income. The village Kanashi is remotely located small town and has no direct rail connectivity. The distance between Nashik to Kanashi is 70 km. Last bus available from Nashik to Kanashi is at 05:00 p.m. Therefore, traveling is inconvenient.

4. The husband has filed written statement stating that the hearing of petition has already started. The applicant has filed application under Section 125 of the Code of Criminal Procedure, 1973 before the learned Judicial Magistrate First Class, Kalwan, Nashik for maintenance.

5. From the reply filed by the opponent, it appears that the averments in paragraph 8 quoted above are not disputed.

6. In that view of the matter, applicant has made out a case for transfer of proceeding pending before the Family Court, Bandra, Mumbai to the learned Civil Judge Senior Division, Kalwan Dist. Nashik. Hence, following order :-

7. Proceedings bearing Hindu Marriage Petition No. 322 of 2020 stood transferred from Family Court, Bandra, Mumbai to the learned Civil Judge Senior Division, Kalwan, Dist. Nashik.

8. The papers of the said proceedings be transferred within Two (2) weeks from today.

9. Miscellaneous Civil Application is allowed in terms of prayer clause (a).

10. Miscellaneous Civil Application is disposed of in the above terms. No costs.

(AMIT BORKAR, J.)