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

**MISCELLANEOUS CIVIL APPLICATION NO.140 OF 2021**

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Sandhya Utkarsh Baile

... Applicant

**V/s.**

Utkarsh Gorakhnath Baile

... Respondent

Mr. Rahul D. Motkari for the paplicant.

**CORAM : AMIT BORKAR, J.**

**DATED : JANUARY 12, 2023**

**PC.:**

- 1.** The miscellaneous civil application is by the wife seeking transfer of Marriage Petition No.A-11 of 2020 pending before the Family Court, Thane to the Family Court, Nashik.
- 2.** On 25<sup>th</sup> February 2018 the applicant got married to the respondent. On 23<sup>rd</sup> August 2019 the applicant/wife filed Domestic Violence Application No.312 of 2019 seeking reliefs under sections 18 to 20, 22 and 23 of the Domestic Violence Act, 2005. On 19<sup>th</sup> September 2019 the applicant filed application under section 9 of the Hindu Marriage Act, 1955 seeking restitution of conjugal rights. The applicant has, therefore, filed the present application seeking transfer of proceedings pending at Thane to the Family Court, Nashik.
- 3.** This Court by order dated 2<sup>nd</sup> December 2021 issued notice

to the respondent. Office remark dated 6<sup>th</sup> December 2022 shows that the respondent has been served through Court. Additionally, learned advocate for the applicant has served respondent privately and filed affidavit of service.

**4.** The applicant makes a statement on oath that the applicant is residing with her parents. Her family consists of six (6) persons. Her father is retired and her mother is housewife. During the pendency of the application, her father passed away who was getting pension. The applicant has no independent source of income. She is required to travel distance of 25 kms to reach Nashik Railway Station and thereafter she need to reach the Court at Thane. Her minor son was aged five (5) months on the date of the application.

**5.** Considering the aforesaid reasons, the applicant has made out a case for transfer. The miscellaneous civil application is allowed in terms of prayer clause (a).

**(AMIT BORKAR, J.)**