



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

MISCELLANEOUS CIVIL APPLICATION NO.201 OF 2022

Mrs. Dipali Bharatbhushan Pol ... Applicant
Vs.
Mr. Bharatbhushan Paygonda Pol ... Respondent

Mr. Hitesh Mutha, Legal Aid Counsel, for the Applicant.
Mr. Bharatbhushan P. Pol, Respondent in-person is present.

**CORAM : ABHAY AHUJA, J.
DATE : 22 AUGUST, 2023.**

P.C. :

1. By this petition, the Applicant-the wife of the Respondent is seeking to transfer the Hindu Marriage Petition No.137 of 2021 filed by the Respondent-husband who is appearing before this court in-person for restitution of conjugal rights before the Civil Judge Senior Division, Kolhapur to the Family Court at Pune.

2. Earlier the Respondent had filed a reply praying for rejection of the said application for transfer. However, today the party in-person tenders across the Bar an affidavit dated 22nd August, 2023 where in paragraphs No.5 and 6 of the said affidavit he has mentioned that he has no objection if the petition filed by him before the Kolhapur Court is transferred to the Court at Pune.

3. Mr. Hitesh Mutha, learned counsel for the Applicant appointed through Legal Aid has also taken the Court through the application and submits that the stage before the court in Kolhapur is for “hearing without written statement”. However, he submits that pursuant to ad-interim order of this court, the proceedings have been deferred.

4. Having heard the learned counsel and having perused the application as well as the affidavit of the Respondent-husband dated 22nd August, 2023, submitting his no objection to the transfer prayed for, this court is of the view that the application be allowed as prayed for.

5. The application is made absolute in terms of prayer clause (b).

6. Let the papers and proceedings of the Hindu Marriage Petition No.137 of 2021 be transferred from the Civil Judge Senior Division, Kolhapur to the Family Court at Pune as expeditiously as possible.

7. The application is accordingly disposed.

(ABHAY AHUJA, J.)