

AGK

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

MISCELLANEOUS CIVIL APPLICATION NO.251 OF 2022

Meenakshi Vishal Patil

... Applicant

V/s.

Vishal Shamkant Patil

... Respondent

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Mr. Vikas B. Shivarkar for the applicant.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 2, 2023

PC.:

1. The miscellaneous civil application is by wife seeking transfer of proceedings pending before the Family Court, Alibaug to the Family Court, Bandra, Mumbai.

2. The marriage between the applicant and respondent took place on 26th July 2019. The applicant has also filed first information report bearing Cr. No.115 of 2021 against the husband for offence under sections 498(A), 313, 323, 504, 506 & 34 of the Indian Penal Code.

3. The respondent/husband filed Marriage Petition bearing P.A. NO.6 of 2022 before the Family Court, Alibaug. The applicant has, therefore, filed present miscellaneous civil application seeking transfer of proceedings pending at Alibaug to the Family Court, Mumbai.

4. This Court by order dated 29th June 2022 issued notice for final disposal. The office remark dated 6th October 2022 shows that notice of present application had been annexed at the outer door of the respondent's house. Additionally, the applicant has served the respondent by private notice and has filed affidavit of service. The applicant has annexed copy of envelope which bears signature of one Shamkant Anant Patil. According to the applicant, it is the signature of father of the respondent. Therefore, in my opinion, the respondent has been duly served with the application.

5. The applicant has stated that it is inconvenient for her to travel to Alibaug to attend the proceedings as she is suffering from lumber spondylitis. She stated that she tried to attend the proceedings at Alibaug on three to four occasions but her backache increased severely and, therefore, she was suggested physiotherapy. The proceedings filed by the wife are already pending before the Metropolitan Magistrate Court at Kurla and, therefore, the husband would be required to attend the said proceedings.

6. Taking into consideration convenience of the wife, the application deserves to be allowed. The miscellaneous civil application is, therefore, allowed in terms of prayer clause (a). No costs.

(AMIT BORKAR, J.)