

Ghuge

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

**MISCELLANEOUS CIVIL APPLICATION NO.288 OF 2022**

Kavita Dinesh Ghule  
Alias Baban Kambale

... Applicant

**V/s.**

Dinesh Suresh Ghule

... Respondent

Mr. Jyotiram S. Yadav for the applicant.

**CORAM : AMIT BORKAR, J.**

**DATED : JANUARY 20, 2023**

**P.C.:**

1. The wife has filed present application seeking transfer of Marriage Petition No. A-438 of 2022 pending before the learned Family Court, Bandra to learned Civil Judge, Senior Division, Kalyan, Dist. Thane.

2. On 7<sup>th</sup> March, 2021 the applicant and respondent got married. Due to the matrimonial difference, the applicant filed Marriage Petition No.2155 of 2021 before learned Civil Judge, Senior Division Kalyan Court, District Thane under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights. The respondent thereafter, filed Marriage Petition No. A-438 of 2022 before the Family Court, Bandra Mumbai. The applicant has therefore, filed present application seeking transfer of proceeding from Family, Court Bandra to Civil Judge Senior Division, Kalyan

Dist. Thane.

3. This Court by order dated 18<sup>th</sup> July, 2022 issued notice for final disposal. Office remark dated 26<sup>th</sup> September, 2022 which shows that respondent is served. This Court reissued notice on 29<sup>th</sup> September, 2022 which was received by the respondent. The office remark dated 29<sup>th</sup> November, 2022 indicates that Court notice is served on respondent.

4. The applicant has stated she is totally dependent on her father and mother has several physical problems and father is also suffer from various illness. She does not have source of income. There is no one in her family to accompany her to travel to Bandra Mumbai. Considering the said ground the applicant has made out a case for transfer. Hence, following order.

5. The Miscellaneous Civil Application is allowed in terms of prayer clause (b) ;

**(AMIT BORKAR, J.)**