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

MISCELLANEOUS CIVIL APPLICATION NO.276 OF 2022

Nikita Anil Rathod

... Applicant

V/s.

Anil Prem Rathod

... Respondent

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Mr. D.P. Adsule for the applicant.

Mr. Vinod Y. Mishra for the respondent.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 5, 2023

P.C.:

1. Leave to amend to incorporate prayer (a-1) in relation to prayer clause (b). Amendment to be carried out forthwith.
2. The present application is by the wife seeking transfer of proceedings from Family Court, Mumbai to the Family Court at Pune. The petitioner and the respondent got married on 7th May 2015. Out of the said wedlock, they have a son. Due to the disputes between the parties the petitioner filed proceedings under Domestic Violence Act before the Court in Pune bearing Criminal Miscellaneous Application No.796 of 2000. The petitioner filed proceedings under section 13(1) of the Hindu Marriage Act bearing Petition No.2746 of 2021. Subsequently, the respondent/ husband filed petition under section 9 of the Hindu Marriage Act for restitution of conjugal rights.

3. The applicant has filed present application seeking transfer of proceedings from Family Court, Mumbai to the Family Court at Pune on the ground that the applicant is residing in Pune along with her parents. She is required to take care of her five (5) years old son who is suffering from hyperactive skin problem. She is required to take him to the hospital in Pune.
4. The respondent/husband contested the application stating that the brother of the respondent is suffering from cancer. It is also contended that the petitioner failed to appear before the learned Family Court at Bandra. The parents of the respondent are senior citizens and are dependent on him.
5. Having considered the reasons mentioned in the application that she is residing with her parents in Pune and is required to take care of her son; there is no denial of the said fact stated in paragraph 10, the applicant has made out a case for transfer of the case from Family Court, Mumbai to the Family Court at Pune.
6. The miscellaneous civil application is allowed in terms of prayer clauses (a) and amended prayer clause (a-1). No costs.

(AMIT BORKAR, J.)