

Gayatri

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

MISCELLANEOUS CIVIL APPLICATION NO. 309 OF 2022

Vijayalaxmi Omkar Gurav	... Applicant
V/s.	
Omkar Bharat Gurav	... Respondent

Ms. Pranali Railkar & Ms. Mrunmayi Khambete i/b Mr.
Ajay A. Joshi, for the applicant.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 10, 2023

P.C.:

1. The applicant/wife has filed present miscellaneous civil application seeking transfer of proceedings pending before the Family Court, Pune to the learned Civil Judge Senior Division Pandharpur.
2. Marriage between applicant and respondent took place under Hindu Marriage Act on 1st November, 2019. Due to matrimonial differences between the applicant and respondent, the respondent filed Divorce Petition No.4 of 2022 before the Family Court, Pune.
3. The applicant is resident at Pandharpur and, therefore, she has filed application for transfer of proceedings pending before Family Court, Pune to the learned Civil Judge Senior Division,

Pandharpur.

4. This Court on 11th August, 2022 issued notice to the respondent. Additionally, applicant was permitted to serve respondent privately. The applicant has supplied two addresses of respondent, one at Pune and the second at Sangli. Office remark dated 3rd January, 2023 shows that the respondent has been served on both the addresses. Additionally, learned Advocate for the applicant has filed affidavit of service. Despite service, the respondent has failed to appear either in person or through advocate.

5. The applicant has stated on oath that the distance between Pandharpur and Pune is nearly about 216.8 kms. Therefore, it is not convenient for her to travel from Pandharpur to Pune to attend the proceedings.

6. It is stated across the bar that the applicant has filed proceedings under the provisions of Protection of Women from Domestic Violence Act, 2005 bearing Criminal Miscellaneous Application No.113 of 2022 before the Court at Pandharpur.

7. In the absence of challenge to the averments in the application, the applicant has made out the case for transferr.

8. The miscellaneous civil application is, therefore, allowed in terms of prayer Clause (a). No costs.

(AMIT BORKAR, J.)