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

MISCELLANEOUS CIVIL APPLICATION NO.357 OF 2022

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Sayali Suyash Sarolkar

... Applicant

V/s.

Suyash Rajaram Sarolkar

... Respondent

Ms. Anushka Shreshtha i/by Dr. Rajendra Anbhule for
the applicant.

Mr. Akshay Kulkarni for the respondent.

CORAM : AMIT BORKAR, J.

DATED : MARCH 3, 2023

P.C.:

- 1.** The applicant/wife has filed present miscellaneous civil application seeking transfer of P.A. No.193 of 2021 pending before Family Court, Sangli to Family Court, Pune.
- 2.** The marriage between applicant and respondent took place on 18th March 2017. Due to matrimonial differences between the parties, the respondent filed petition for divorce bearing PA No.193 of 2021 under Section 13(1)(ia) and (ib) of the Hindu Marriage Act, 1955.
- 3.** The applicant has also application under section 9 of the Hindu Marriage Act for restitution of conjugal rights before Family Court, Pune. She has also filed proceedings under the provisions of

the Domestic Violence Act bearing Criminal Miscellaneous Application N.4599 of 2021 pending before Judicial Magistrate First Class, Court No. 9, Pune. The husband has also filed Special Civil Suit No.426 of 2022 seeking possession of a flat in the Court at Pune.

4. The applicant has filed present miscellaneous civil application stating that it is inconvenient for her to travel to Sangli and since two other proceedings filed by the applicant and the suit filed by the husband is also pending at Pune.

5. The respondent has filed reply and contested the miscellaneous civil application. According to him, inconvenience of wife is no ground if she is able to travel to Sangli. It is also stated that the proceedings filed by the husband is first in point of time. According to him, though he was residing at Pune on the date of filing of the application, due to covid pandemic he has lost his job and is now residing in Sangli and, therefore, it is inconvenient for him to travel to Pune to attend the proceeding filed by the wife.

6. The applicant has stated on oath that on the date of filing of application, respondent was working in Pune. The distance between Pune and Sangli is around 250 kms. Two proceedings filed by the wife are pending in Pune. One suit filed by the husband is also pending in Pune. Therefore, the husband is required to attend those proceedings in Pune.

7. Taking into consideration aforesaid reasons, the applicant has made out a case for transfer of proceedings.

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

(AMIT BORKAR, J.)