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

MISCELLANEOUS CIVIL APPLICATION NO.345 OF 2022

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Vaishali Rohit Jalawadgi

... Applicant

V/s.

Rohit Babu Jalawadgi

... Respondent

Mr. Ajit U. Alange for the applicant.

Mr. Kunal Bilaney i/by Ms. Ruchi Pawar for the
respondent.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 2, 2023

P.C.:

1. The wife has filed present miscellaneous civil application seeking transfer of proceedings pending before the Family Court, Mumbai to the Family Court, Solapur.

2. Marriage between the applicant and respondent was performed on 27th April 2019. Due to matrimonial differences between the parties, husband filed Petition No.A-1106 of 2022 before the Family court, Mumbai under section 13(1)(ia) of the Hindu Marriage Act,1955 for divorce. The wife has also filed application under section 12 of the Protection of Women from Domestic Violence Act, 2005 before the learned Judicial Magistrate First Class, Solapur bearing No.PWDV 204 of 2022. The wife has, therefore, filed present application seeking transfer.

3. The wife has stated in paragraph 2 that it is inconvenient for her to travel to Mumbai from Solapur. It is eight (8) hours journey. The distance between Solapur and Mumbai is around 400 kms. and, therefore, it would be inconvenient for her to attend proceedings before the Family Court, Mumbai. Additionally, it is stated that she is suffering from abdominal tuberculosis with ileostomy. The husband objected for transfer stating that the applicant has been filed only to harass the husband. Suggestion to settle the matter are not fulfilled due to adamant approach of the wife. He is ready to bear expenses of wife.

4. Having heard learned advocates for the parties, in my opinion, fact of applicant residing in Solapur is not in dispute. Considering the distance between Solapur and Mumbai, I find substance in the reasons mentioned in the application that it would be inconvenient for her to travel to Mumbai to attend proceedings. The proceedings filed by the wife under Domestic Violence Act are pending before the Solapur Court and husband would be required to travel to Solapur to attend those proceedings.

5. In that view of the matter, in my view, the applicant has made out a case for transfer. The miscellaneous civil application is, therefore, allowed in terms of prayer clause (a). No costs.

(AMIT BORKAR, J.)