

SA Pathan

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

MISCELLANEOUS CIVIL APPLICATION NO.194 OF 2022

Priyanka Pankaj Bhadane	... Applicant
V/s.	
Pankaj Suresh Bhadane	... Respondent

Mr. Himanshu Pujari i/by Mr. M. N. Sandhyan for the Applicant.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 16, 2023

P.C.:

1. The wife has filed the present Application seeking transfer of proceedings pending in the Court of Civil Judge, Senior Division Kalyan to the Court of Civil Judge, Senior Division at Malegaon.
2. The marriage between the Applicant and the Respondent was solemnized on 29th April, 2012, due to matrimonial differences, the parties residing separately. On 22nd February, 2021, the Respondent filed an Application for Restitution of Conjugal Rights before the Civil Judge, Senior Division, Kalyan bearing HMP No.453 of 2021. On 14th September, 2020, the Applicant filed an Application for maintenance before the JMFC, at Malegaon bearing Cri. Misc. Application No.5140 of 2020. Additionally, the Applicant filed Cri. Misc. Application No.180 of 2020 under the provision of Domestic Violence Act, against the Respondent and his

family members. The Applicant has therefore, filed an Application for seeking transfer of proceedings pending before the Kalyan Court to the Malegaon Court. This Court on 25th April, 2022, issued notice to the Respondent.

3. Office remark dated 15th November, 2022 shows that the Respondent has been duly served through the process of Court.

4. This Court by order dated 9th December, 2022 granted last chance to the Respondent to appear in the matter. In spite, service of notice the Respondent has failed to appear either personally or through Advocate.

5. The Applicant has stated that being a lady, it is inconvenient to her to travel and attend the proceedings at Kalyan as she has a small child and needs to take care of her child. Considering distance of 260 k.m. between Malegaon to Kalyan, it takes around 5 to 6 hours of journey to reach at Kalyan. Since, she has filed the proceedings before the Court at Malegaon and time required for journey to attend proceedings, she has sought transfer of proceedings pending before the Kalyan Court.

6. In the absence of dispute on facts in paragraph 6 of the Application, the Applicant has made out a case for transfer of the proceedings. For the above reasons, the Application is allowed in terms of prayer clause (b).

(AMIT BORKAR, J.)