

SA Pathan

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

MISCELLANEOUS CIVIL APPLICATION NO.393 OF 2022

Priyanka Chetan Lohar	... Applicant
V/s.	
Chetan Chandrakant Lohar	... Respondent

Ms. Bhagyashri Ranade i/by S. C. Mangle for the Applicant.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 16, 2023

P.C.:

1. The wife has filed present Application seeking transfer of proceeding pending before the Civil Judge, Senior Division, Baramati to Family Court Kolhapurt.
2. The marriage between Applicant and Respondent took place on 13th December, 2018. Out of the said wed-lock, the Applicant and Respondent have a son born on 4th January, 2020. Due to matrimonial differences between the parties, the Applicant and the Respondent started residing separately. The Applicant has filed proceedings under Sections 498A, 323, 504 r/w. 34 of the Indian Penal Code against the Respondent and his relatives. She has also filed an Application under the provisions of Domicile Violence Act bearing No.17 of 2022 before the Judicial Magistrate First Class, Kolhapur.

3. The Respondent thereafter, filed a Marriage Petition bearing No.163 of 2022 before the Civil Judge, Senior Division, Baramati seeking restitution conjugal rights. The Applicant has therefore, filed the present Application seeking transfer of proceedings pending before Baramati to the Family Court, Kolhapur.
4. This Court by order dated 13th October, 2022 issued notice to the Respondent. Office remark dated 6th December, 2022 shows that the Respondent is duly served that notice of this Court. In spite of service of notice, the Respondent has failed to appear before the Court either personally or through Advocate.
5. The Applicant has stated on oath that it is inconvenient to travel to Baramati to Kolhapur. The distance between Baramati to Kolhapur is around 215 k.m., which involves over night journey. As she has no arrangement of residence of Baramati, it would be inconvenient to her to travel to Baramati. She needs to take care of her two years old son. Considering the pendency of the proceedings filed by the wife before the Kolhapur Court. The husband needs to attend those proceedings at Kolhapur.
6. For the aforesaid reasons, the Applicant is made out the case as transfer. The Miscellaneous Civil Application is therefore, allowed in terms of prayer clause (a).

(AMIT BORKAR, J.)