

SA Pathan

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

MISCELLANEOUS CIVIL APPLICATION NO.441 OF 2022

Harshada Vishal Mhaskar Alias	
Harshada Vijay Parab	... Applicant
V/s.	
Vishal Sitaram Mhaskar	... Respondent

Mr. Bhavesh Magam for the Applicant.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 16, 2023

P.C.:

1. The wife has filed present Application seeking transfer of Marriage Petition pending in the Court of Civil Judge Senior Division, Gadhinglaj to the Family Court at Pune. Marriage between the Applicant and the Respondent solemnized on 15th February, 2021. Due to matrimonial differences between parties, they started residing separately.

2. The Respondent has filed proceedings under Section 9 of the Hindu Marriage Act, seeking restitution of conjugal rights. The Applicant has therefore, filed the present Application seeking transfer of proceedings.

3. This Court by order dated 23rd November, 2022 issued notice to the Respondent. Office remark dated 7th January, 2023 shows that the Respondent is duly served. Despite service, the

Respondent has not appeared either in-person or through Advocate.

4. The Applicant has stated on oath that, it is inconvenient her to attend proceedings at Gadhinglaj, since she is residing in Pune. The distance from Pune to Gadhinglaj is about 300 k.m. to 350 one way, therefore, inconvenient for her to attend proceedings before the Court at Gadhinglaj on each and every date.

5. Considering the distance from Pune to Gadhinglaj and since, the Applicant will have to travel Gadhinglaj alone, it would be inconvenient for the Applicant to attend proceedings at Gadhinglaj. The Applicant is made out the case of transfer. The Application is allowed in terms of prayer clause(a).

(AMIT BORKAR, J.)