

AGK

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

**MISCELLANEOUS CIVIL APPLICATION NO.493 OF 2022**

Harshada Satish Dhore Alias

Harshada Popatrao Patil

... Applicant

**V/s.**

Satish Bhaskar Dhore,

through PoA Rajani Bhaskar Dhore

... Respondent

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Mr. Sameer Parkar with Mr. Yash G. Fadtare i/by Mr.  
Vaibhav Kadam for the applicant.

**CORAM : AMIT BORKAR, J.**

**DATED : FEBRUARY 17, 2023**

**PC.:**

**1.** The wife has filed present miscellaneous civil application seeking transfer of proceedings pending before the learned Civil Judge Senior Division, Mawal, Pune to the Court of Civil Judge Senior Division, Nashik.

**2.** The marriage between the applicant and respondent took place on 12<sup>th</sup> December 2017. Due to their matrimonial differences, the parties started living separately. The wife has filed application under section 9 of the Hindu Marriage Act for restitution of conjugal rights before the Court at Nashik. Additionally, she has filed proceedings under the provisions of the Protection of Women from Domestic Violence Act before the

Judicial Magistrate First Class, Nashik. The husband has thereafter filed Marriage Petition No.486 of 2022 before the learned Civil Judge Senior Division, Mawal for divorce.

**3.** The applicant has, therefore, filed present miscellaneous civil application seeking transfer of proceedings pending before the Court at Mawal, Pune to the Court at Nashik.

**4.** On perusal of the cause-title of Petition No.486 of 2022, it appears that the husband has filed the petition through his mother as a power of attorney.

**5.** This Court on 9<sup>th</sup> December 2022 issued notice to the respondent. Office remark dated 8<sup>th</sup> February 2023 shows that the respondent is served. The cause-title shows that the respondent has been made party through power of attorney holder as the respondent is residing in Germany. Since the original proceedings have been initiated through power of attorney holder, service on the power of attorney holder on the address mentioned in the petition is treated as valid service.

**6.** Despite service, none appears for the respondent either personally or through Advocate.

**7.** The applicant has stated on oath that the distance between Nashik and Pune is around 211 kms. She being a lady, it is inconvenient for her to attend proceedings before the Court at Pune. For travelling, she depends on her brother who is busy with his preoccupations. Since the complaints filed by the applicant are already pending before the Court at Nashik, the respondent needs to travel to Nashik.

**8.** The statement on oath made above remained undisputed. The applicant has, therefore, made out a case for transfer of proceedings.

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

**(AMIT BORKAR, J.)**