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

MISCELLANEOUS CIVIL APPLICATION NO.40 OF 2022

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Roshni Atit Admulwar

... Applicant

V/s.

Atit Shrikant Admulwar

... Respondent

Mr. Rohan D. Kaiche for the applicant.

Mr. Amol Jagtap for the respondent.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 2, 2023

P.C.:

1. The wife has filed present miscellaneous civil application for transfer of proceedings filed under section 13(1)(ia) of the Hindu Marriage Act, 1955 pending before the learned Family Court, Pune to the Family Court, Nashik.

2. On 27th December 2012 marriage between the applicant and respondent was solemnized. Out of the said wedlock, the couple has two sons. Due to matrimonial differences between the parties, the respondent filed petition bearing No.A-2336 of 2021 under section 13(1)(ia) of the Hindu Marriage Act before Family Court, Pune. The wife has, therefore, filed present application seeking transfer of proceedings from Family Court, Pune to Family Court, Nashik.

3. On notice issued by this Court, the husband has filed reply and contested the application. According to the husband, she was staying in Pune for last 9 years and the husband has made arrangement for the maintenance of wife. According to husband, it was in the interest of children that she should have stayed in Pune.

4. I have heard learned advocates for both the sides. The applicant in her application stated that she is residing in Nashik along with her two minor sons. They cannot be left alone at home in Nashik to attend the proceedings before the Family Court, Pune. The distance from Nashik to Pune is around 220 kms. and, therefore, it will not be feasible for her to attend the proceedings before the Family Court, Pune and go back on the same day. She needs to take care of her old aged parents.

5. Considering the reasons stated above, in my opinion, inconvenience of the wife has been consistently held to be a ground for transfer of proceedings.

6. At this stage, learned advocate for the husband pointed out that hearing of application filed by husband seeking access of children is over and the application for access is fixed for passing orders on 9th February 2023. Therefore, it is made clear that the proceedings shall be transferred after the Family Court, Pune passes appropriate orders on the application for access filed by the husband.

7. For the reasons stated above, the miscellaneous civil application is allowed in terms of prayer clause (a).

8. It is made clear that the proceedings shall be transferred only

after the decision on the application of the husband seeking access of children.

9. No costs.

(AMIT BORKAR, J.)