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

MISCELLANEOUS CIVIL APPLICATION NO.515 OF 2022

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Vidula Amit Pawar

Alias Vidula Rajaram Lad

... Applicant

V/s.

Amit Mohan Pawar

... Respondent

Ms. Manali Thakur i/by Ms. Dhanashri Mondkar for the
applicant.

CORAM : AMIT BORKAR, J.

DATED : MARCH 3, 2023

P.C.:

1. The wife has filed present miscellaneous civil application seeking transfer of Marriage Petition No.768 of 2022 pending before Family Court, Bandra, Mumbai to Civil Judge Senior Division, Thane.

2. The marriage between applicant and respondent took place on 26th December 2013. Out of said wedlock, parties have a baby girl. Due to matrimonial differences, parties started residing separately. The applicant, therefore, filed Marriage Petition No.78 of 2022 under section 13(1)(ia) of the Hindu Marriage Act before Civil Judge Senior Division, Thane. The respondent has also filed Petition No.768 of 2022 before Family Court, Bandra, Mumbai for restitution of conjugal rights under section 9 of the Hindu

Marriage Act.

3. The applicant has, therefore, filed present miscellaneous civil application seeking transfer of proceedings.
4. This Court on 6th January 2023 issued notice for final disposal. Office remark dated 22nd February 2023 shows that the respondent is served.
5. Despite service, the respondent failed to appear either personally or through advocate.
6. The applicant has stated in her application that she is working as nurse in KDS Ambani Hospital, Kopar Khairane, Navi Mumbai. Her working time is not fixed and keeps changing as per shift. She has to take care of her three (3) years old girl child. The applicant is residing at her mother's house at Airoli.
7. Considering the said reasons, the applicant has made out a case for transfer.
8. The miscellaneous civil application is allowed in terms of prayer clause (a). No costs.

(AMIT BORKAR, J.)