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

MISCELLANEOUS CIVIL APPLICATION NO.5 OF 2023

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Sunita Narayan Parkhe

... Applicant

V/s.

Narayan Ramdas Parkhe

... Respondent

Ms. Ranu Khatri for the applicant.

Mr. Ganesh Bhujbal i/by Mr. B.D. Shinde for
respondent no.1.**CORAM : AMIT BORKAR, J.****DATED : MARCH 3, 2023****P.C.:**

1. The applicant/wife has filed present miscellaneous civil application seeking transfer of Marriage Petition No.195/HMP/2019 pending before Civil Judge Senior Division, Rahata (Ahmednagar) to Family Court, Bandra, Mumbai.

2. The marriage between applicant and respondent took place on 20th April 2007. Due to matrimonial differences, they started residing separately. The applicant has filed proceedings under the provisions of the Domestic Violence Act before the Chief Metropolitan Magistrate which has been disposed of by order dated 19th January 2019. The applicant has also filed application under section 125 of the Criminal Procedure Code which is also allowed by order dated 14th May 2018.

3. The respondent/husband thereafter filed Marriage Petition No.195/HMP/2019 before Civil Judge Senior Division, Rahata (Ahmednagar). The applicant has filed present application seeking transfer of said proceedings.
4. The applicant has stated on oath that she is unemployed and is residing with her aged parents. Her economical condition is poor. Her parents are paralysed and dependent on their son. It is inconvenient for her to attend the proceedings in Rahata as the distance between Vikhroli, Mumbai (place of her residence) and Rahata is around 250 kms. which takes around five to six hours travel time.
5. Learned advocate for the respondent strongly opposed the application. According to him, no case for transfer is made out.
6. Considering the reasons stated above, namely, (i) distance between Vikhroli and Rahata is around 250 kms which takes five to six hours travel time; (ii) the father of the applicant is paralysed; and (iii) it is convenient for her to travel to Rahata, the applicant has made out a case for transfer.
7. The miscellaneous civil application is, therefore, allowed in terms of prayer clause (a). No costs.

(AMIT BORKAR, J.)