



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

67 MISC.CIVIL APPLICATION NO. 296 OF 2023

Sonali Pratik Kadam

VERSUS

Pratik Prakash Kadam

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Advocate for Applicant : Mrs. Zaware Suvarna M.

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CORAM : ARUN R. PEDNEKER, J.

Dated : March 04, 2024

PER COURT :-

1. By way of present MCA, the applicant/wife seeks transfer of HMP No. 62/2023 filed by the respondent/husband for divorce from the Family Court, Kolhapur to the Court of Civil Judge, Senior Division, Shrirampur, District Ahmednagar.
2. Applicant/wife got married with respondent/husband on 23.12.2017. On account of matrimonial dispute, she is now staying with her parents at Shrirampur in Ahmednagar District. It is the case of wife that there is a child of one and half years, out of the said wedlock with her. The applicant is housewife, she has no independent source of income and the husband is in business and also doing some service. The applicant has also filed proceeding for restitution of conjugal rights at Shrirampur, District Ahmednagar. The husband has filed above proceeding at Kolhapur for divorce. It would be inconvenient and difficult for applicant to defend the proceeding filed by the husband at Kolhapur and therefore, she seek transfer of HMP No. 62/2023 from Kolhapur Court to Shrirampur Court.
3. Though served, the respondent/husband has not entered his appearance.

4. For the reasons stated in the application, more particularly that the wife is having one and half years child with her, she is staying with her parents, there is no source of income to the wife and restitution proceedings filed by the wife are pending at Shrirampur, I deem it appropriate to transfer the HMP No. 62/2023 from Kolhapur Court to Shrirampur Court.

5. In the result, the MCA is allowed in terms of prayer clause "A", which is as under :-

"A) This Misc. Civil Application may kindly be allowed. The Hindu Marriage Petition No. 62/2023 may kindly be transferred from the Family Court Kolhapur, District Kolhapur to the Civil Judge, Senior Division, Shrirampur, District Ahmednagar."

(ARUN R. PEDNEKER, J.)

ssc/