

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 350 OF 2023**

Mrunali Sachin Chavan	...	Applicant
versus		
Sachin Manohar Chavan		Respondent

Mr. Kedar Pralhad Lad along with Mr. Dhananjay Bhosale, Advocate for the Applicant.
Advocate Ashish Jain, for Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 29th FEBRUARY, 2024.

P.C. :

1. By this application, applicant is seeking transfer of divorce petition filed by respondent – husband, which is pending before the Family Court at Sangli to the Family Court at Kolhapur.
2. It is the contention of learned counsel for the applicant that applicant has filed proceeding under Section 125 of Cr.PC., which is pending before the Family Court at Kolhapur. Learned counsel further submitted that respondent has filed an application for custody of child, which is pending before the Family Court at Kolhapur. The respondent stays in Rajasthan for work. No one stays at Sangli. The applicant is in Government Service, she stays with her son. She is finding it difficult to attend the Court's dates at Sangli. Hence, requested to allow the application.

3. Learned counsel for the respondent-husband vehemently submitted that the applicant has suppressed the fact that applicant had filed an application under Section 24 of Hindu Marriage Act before the Family Court at Sangli. The said application was allowed by the Family Court at Sangli. It was challenged by the respondent before this Court. By consent of both parties, the said order passed by the Family Court, Sangli, was set-aside. This Court (Coram : Amit Borkar, J.) had given direction to the Family Court to decide the said application afresh on its own merits. Learned counsel further submitted that as per the provisions of Section 22 of the CPC, if anyone wants to file transfer application, it has to be filed at an early stage. The applicant has sought 32 adjournments before the Family Court at Sangli and, thereafter, she has filed this application before this Court. Learned counsel further submitted that the native place of respondent is at Sangli District, so it cannot be said that he is not the resident of Sangli. Learned counsel further submitted that the applicant can appear through video conferencing before the Family Court at Sangli. Hence, requested to reject the application.

4. I have heard both learned counsel. The applicant stays with her son at Kolhapur. She has filed proceeding under Section 125 of Cr.PC., which is pending before the Family Court at Kolhapur. The respondent has also filed an application for custody of child at Family Court at Kolhapur. Due to service, respondent stays at Rajasthan. The

applicant is in Government Service, she is finding it difficult to attend the Court's dates at Sangli. As the proceeding filed by the respondent is pending at Family Court at Kolhapur, the respondent can attend the Court's dates at Kolhapur. In view of above, I pass following order :

1. The application is allowed.
2. Marriage Petition No.A-288 of 2022 pending before the Family Court at Sangli be transferred to the Family Court at Kolhapur.
3. The respondent-husband can file an application for appearance through video conferencing before the concerned Court. The concerned Court shall decide it on its own merits.
4. Both the parties to appear before the concerned Court on 21st March 2024.
5. It is the contention of learned counsel for the respondent that this Court (Coram :Amit Borkar, J.) has given direction to the Family Court at Sangli to decide the application for interim maintenance on its own merits. After transfer of divorce petition, the Family Court, Kolhapur, shall decide the said application on its own merits.

(SHIVKUMAR DIGE, J.)