

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****MISCELLANEOUS CIVIL APPLICATION NO. 263 OF 2023**

Pratiksha Vinod Sawant

... Applicant

Versus

Vinod Rameshwar Sawant

... Respondent

Mr. Sharad T. Bhosale, Advocate for the Applicant.

Mr. Vikrant Parashurami, Advocate for Respondent.

CORAM : ARUN R. PEDNEKER, J.**DATE : 21st JUNE, 2024.****P.C. :**

1. Heard learned counsel for the parties.
2. The present application is filed by the applicant/wife seeking transfer of divorce proceedings initiated by the respondent/husband in Family Court at Bandra, Mumbai to Civil Judge, Senior Division, Barshi.
3. Learned counsel for the applicant/wife submits that applicant and respondent got married on 19.05.2019 and that there are no issues out of the marriage. He further submits that on account of certain matrimonial disputes applicant is now residing with her parents and she has no source of income. There are two proceedings initiated in Barshi Court. One is D.V. Proceedings as well as proceedings under Section 125 of Code of Criminal Procedure for maintenance. The learned counsel further submits that respondent is in service of security job and in the fact situation,

learned counsel for the applicant submits that matter initiated by the husband in Mumbai Court be transferred to Barshi as she would not be in a position to defend the same in Family Court at Mumbai.

4. Per contra, learned counsel for the respondent/husband submits that respondent is not earning much salary and that travel to Barshi would affect his job. He submits that he has to make payment of maintenance to applicant/wife also maintain his mother who is a diabetic patient.

5. Taking into consideration the facts that the applicant is dependent on her parents, so also there are proceedings initiated in Barshi Court which are defended by the husband, it would be appropriate to transfer the proceedings initiated by the respondent/husband in Family Court at Bandra, Mumbai to Civil Judge, Senior Division, Barshi.

6. In view of the above, the application is allowed in terms of prayer clause (a). The prayer clause (a) of the application reads as under:

“(a) This Hon'ble Court be pleased to transfer the Hindu Marriage Petition No. A-469 of 2022 pending at the file of Family Court, Bandra to the file of Civil Judge Senior Division, Barshi.”

7. In the event, the applicant wife seeks adjournments in the matters, she should inform the Advocate for the respondent well in advance so as to avoid inconvenience to the husband to travel to C.J.S.D., Barshi. It is also further directed that wherever possible the court at Barshi will also allow the respondent / husband to appear through video conferencing.

8. With the above directions, the Misc. Civil Application is disposed of.
9. On transfer, the Civil Judge Senior Division at Barshi to decide the proceedings as expeditiously as possible.

(ARUN R. PEDNEKER, J.)

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