

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

MISCELLANEOUS CIVIL APPLICATION NO. 458 OF 2022

Mrs. Tanvi Swapnil Karpe C/o
Deshmane Santosh Shankar

....Applicant

Versus

Mr. Swapnil Dinanath Karpe

....Respondent

Mr. Uday B. Nighot, Advocate for the Applicant.
Mr. Jagdish Choudhary a/w Mr. Ishwar Nankani i/b Ms. Prajakta
Sawardekar, Advocate for the Respondent.

CORAM : SHIVKUMAR DIGE, J.

DATE : 27th FEBRUARY, 2024.

P.C. :

1. By this application, Applicant is seeking transfer of divorce petition filed by the Respondent-Husband, which is pending before the Civil Judge, Senior Division, Panvel to Family Court, Pune.
2. It is contention of learned counsel for the Applicant that Applicant stays with her old age parent at Pune. Applicant has no source of income. It is finding difficult to attend the Court's dates at Panvel. Learned counsel further submitted that the Applicant had filed

pursis before the Civil Judge, Senior Division, Panvel that she has filed transfer application before this Court. In spite of that the Court has tried the matter, now the matter is at stage for arguments. Learned counsel further submitted that no opportunity was given to the Applicant to contest the said matter. Hence, requested to allow the Application.

3. It is contention of learned counsel for the Respondent-Husband that matter before the Civil Judge, Senior Division, Panvel is reached at the stage for argument. Applicant never appeared before the said Court. In spite of sufficient opportunity, at this stage, the proceedings cannot be transferred to Family Court at Pune if it is transferred, again it will be prolonged. Hence, requested to reject the Application.

4. I have heard both learned counsel. The matter pending before the Civil Judge, Senior Division, Panvel is fixed for argument. It is contention of learned counsel for the Applicant that it is for cross-examination. In my view, the Applicant did not appear before the concern Court. No written statement has been filed by the Applicant before that Court. As admittedly, the matter is at the stage of evidence or arguments. Hence, it cannot be transferred.

5. In view of above, I pass following order.

ORDER

- i. Application is rejected.
 - ii. Applicant can file application for setting aside. No written statement order or giving opportunity to her to lead evidence before the concern Court, The said Court shall decide the application on its own merit.
6. The Miscellaneous Civil Application disposed of.

(SHIVKUMAR DIGE, J.)