

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.60 OF 2024

Priti Prashant Gavade @
Priti Gopichand Waghmode

.. Applicant

Versus

Prashant Appasaheb Gavade

.. Respondent

.....

- Mr. Sumit Kothari, Advocate for Applicant.
- None for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 19, 2024

P.C.:

- 1.** Heard Mr. Kothari, learned Advocate for Applicant.
- 2.** Record indicates that on 29.07.2024, Respondent is served. When the matter is called out Respondent and his Advocate is absent. This Court cannot wait and protract hearing of the present Miscellaneous Civil Application. Miscellaneous Civil Application is filed by wife seeking transfer of Marriage Petition No.A-2184 of 2023 from Family Court at Pune to the Family Court at Thane.
- 3.** Apart from proximity of distance between the two destinations which is clearly evident as a principal ground of hardship, Applicant is required to provide care and support for her minor seven year old son who is residing with her and her old mother at Thane. Applicant is also required to work and is employed in a Government

job at Thane.

4. With the able assistance of Mr. Kothari, I have perused the Miscellaneous Civil Application and more specifically the grounds in the Miscellaneous Civil Application which are stated from paragraph No.13 onwards. The hardship of the Applicant is clearly evident, considering that she is a working mother as also required to provide care and support for the upbringing and education of her son and his daily routine of dropping him to his school and also to provide care for her old age mother. Undoubtedly, she cannot be expected to travel on every date of hearing all the way to Pune on her own and would otherwise require accompaniment of a companion / parent apart from incurring substantial costs. Looking at the hardship of the Applicant and the ethos of the provisions of Section 24 of the Code of Civil Procedure, 1908 (for short '**CPC**'), Applicant has made out a clear case for allowing the Miscellaneous Civil Application. There can be no impediment in allowing the present Miscellaneous Civil Application in the facts and circumstances of the present case. The Miscellaneous Civil Application stands allowed in terms of prayer clause (a) which reads thus:-

“a) This Hon'ble Court be pleased to pass an order directing transfer of the Petition No. A-2184 OF 2023 filed by the Respondent against the Applicant, from the file of the Ld. Principal Judge, Family Court, at Pune, to the file of the Court of the Ld. Principal Judge, Family Court, at Thane;”

5. With the above directions, Miscellaneous Civil Application is allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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