

Ajay

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

MISC. CIVIL APPLICATION NO. 93 OF 2024

Neha Amol Aamte	.. Applicant
Versus	
Amol Uttam Aamte	.. Respondent

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- Ms. Priya Arun Gajare, Advocate for Applicant.
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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 04, 2024.

P.C.:

- 1.** Heard Ms. Gajare, learned Advocate for Applicant.
- 2.** Service has been effected and Respondent is duly served, however none appears for Respondent. The hearing of the Misc. Civil Application (for short “**MCA**”) cannot be protracted any further. It is seen that on the previous dates Advocate for Respondent – husband did not appear when the matter was heard by this Court. Hence, MCA is taken up for hearing.
- 3.** Present MCA seeks transfer of the Marriage Petition No.412 of 2023 filed by the Respondent – husband pending before the Civil Judge Senior Division, Wai, District Satara to the Court of Civil Judge Senior Division in Kalyan.
- 4.** Apart from the proximity of distance between the two destinations, grounds of hardship are enumerated by the Applicant in paragraph No.9 of the MCA are clearly evident and make out a case for

allowing transfer of the Marriage Petition filed by Respondent in the Civil Judge Senior Division, Wai, District Satara. I have perused the same.

5. Applicant has also registered First Information Report (FIR) under Section 498 read with other Sections of the Indian Penal Code, 1860 in Kalyan. Applicant is residing in Kalyan alongwith her parents. She is unemployed and dependent on her parents whereas Respondent is a Government Servant working in Zilla Parishad as Doctor.

6. The difficulty and inconvenience caused to the Applicant is being clearly evident and in view of the extant provisions of Section 24 of the Code of Civil Procedure, 1908, the present MCA is deserves to be allowed.

7. Hence, MCA is allowed in terms of prayer clause 'a' which reads thus:-

“a. To pass an order transferring M.P No. 412/2023 filed by the respondent/husband pending before Civil Judge Senior Division Wai, District Satara titled as Amol Uttam Aamte V/S Neha Amol Aamte to Civil Judge Senior Division, Kalyan.”

8. With the above observations, MCA is allowed and disposed.

[MILIND N. JADHAV, J.]

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