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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 101 OF 2024

Himani Neetin Khatkale

.. Applicant

Versus

Neetin Mahadev Khatkale

.. Respondent

-
- Mr. Suyog Naik, Advocate i/by Mr. Siddhartha R. Ronghe for Applicant.

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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 04, 2024.

P.C.:

1. Heard Mr. Naik, learned Advocate for Applicant.
2. Service has been effected and Respondent is duly served on his Pune address as seen from the office note dated 11.06.2024, however none appears for Respondent. The hearing of the Misc. Civil Application (for short “MCA”) cannot be protracted any further. Hence, MCA is taken up for hearing.
3. Present MCA seeks transfer of the Marriage Petition No.28 of 2023 filed by the Respondent – husband pending before the Civil Judge Senior Division, Pandharpur, District Solapur to the Family Court in Pune. Applicant resides in Pune within the jurisdiction in PMC and therefore the said transfer is sought. She is residing alongwith her parents and she also needs and requires to support and provide care to her three year old daughter, who resides with her.

4. Apart from the proximity of distance between the two destinations, grounds of hardship enumerated by the Applicant in paragraph No.6 of the MCA are clearly evident and make out a case for allowing transfer of the Marriage Petition filed by Respondent in the Court of Civil Judge Senior Division, Pandharpur, District Satara. I have perused the same and see no reason as to why the said MCA should not be allowed as convenience of the Applicant – wife is of paramount consideration.

5. Under the provisions of Section 24 of the Code of Civil Procedure, 1908, MCA therefore stands allowed in terms of prayer clause 'a' which reads thus:-

*“a) This Hon’ble Court may be pleased to transfer Petition No. 28 of 2023 filed by the Respondent in the Court of Ld. CJSD, Solapur, Pandharpur to the Ld. Family Court, At **Pune**, under Section 24 of the Code of Civil Procedure, 1908.”*

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

[MILIND N. JADHAV, J.]

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AJAY TRAMBAK
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