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

MISC. CIVIL APPLICATION NO. 109 OF 2024

Payal Pandurang Patil (Before Marriage - Payal Ramchandra Jadhav_	Applicant (Orig. .. Opponent)
Versus	
Pandurang Prabhakar Patil	Respondent (Orig. .. Applicant)

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- Ms. Jui B. Gharat a/w. Mr. Prajakt M. Arjunwadkar, Advocates for Applicant.
 - Mr. Rahul Khot, Advocate for Respondent.

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CORAM : MILIND N. JADHAV, J.
DATE : SEPTEMBER 04, 2024.

P.C.:

- 1.** Heard Ms. Gharat, learned Advocate for Applicant and Mr. Khot, learned Advocate for Respondent.
- 2.** Present Misc. Civil Application (for short “MCA”) is filed by the Applicant – wife seeking transfer of Marriage Petition A No.14 of 2023 filed by Respondent – husband before the Family Court, Sangli to the Court of Civil Judge Senior Division, Palghar, District Palghar.
- 3.** Though the marriage between the parties was solemnized on 21.06.2005, it is seen that Applicant – wife needs and requires to support and provide care for her two minor children 16 year old daughter and 8 year old son. Applicant is residing with her parents in Boisar.

4. Apart from proximity of distance between the two destinations, grounds of hardship enumerated by the Applicant in paragraph No.3 of the MCA are clearly evident and make out a case for allowing transfer of the Marriage Petition filed by Respondent – husband in the Court of Civil Judge Senior Division, Palghar. I have perused the same. In view of the said grounds, there can be no impediment in allowing the present transfer. All grounds made out by Applicant are cogent grounds and deserve to be considered.

5. *PER CONTRA*, Mr. Khot, learned Advocate for Respondent – husband would submit and persuades the Court to direct the parties to go for mediation. However, he would submit that several attempts have been made in the past, but to no avail. He would draw my attention to the averments made in the MCA which are of such a serious nature that even if the dispute is referred to Mediation it would fail.

6. In that view of the matter, I am inclined to accept the submissions made by the Advocate for Applicant. MCA therefore stands allowed in terms of prayer clause ‘a’ which reads thus:-

“(a) This Hon’ble Court may be pleased to allow present Misc. Application and be further please to transfer proceedings of Petition/A/No. 14 of 2023 from the file of Ld. Judge Family Court Sangli to Ld. C.J.S.D., Palghar.”

7. With the above observations, MCA therefore is allowed and disposed.

[MILIND N. JADHAV, J.]

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