

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.204 OF 2024

Vidya Harshal Kalaskar
@ Vidya @ Gauri Shivaji Kore

.. Applicant

Versus

Harshal Hemant Kalaskar

.. Respondent

-
- Mr. Manoj Bagal, Advocate for Applicant.
 - None for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 27, 2024

P.C.:

- 1.** Heard Mr. Bagal, learned Advocate for Applicant.
- 2.** The Respondent is represented by Advocate. When the matter is called out neither the Advocate nor the Respondent is present. This Miscellaneous Civil Application is filed on 04.04.2024. Four orders have also been passed. Hearing of the Miscellaneous Civil Application cannot be protracted any further. It is taken up for hearing.
- 3.** I have heard Mr. Bagal, learned Advocate for Applicant. Miscellaneous Civil Application seeks transfer of Marriage Petition No.202 of 2023 filed by Respondent – husband in the Court of Civil Judge Senior Division, Khed, Ratnagiri to the Family Court, Solapur.
- 4.** The Applicant resides in Solapur. Apart from proximity of distance between the two destinations which the Applicant would be

required to traverse, the hardship of the Applicant is clearly evident. That apart, Applicant has filed DV Application No.286 of 2023 in Court of JMFC Solapur which she is prosecuting. The parents of Applicant are old and are suffering from old age ailments and therefore they would not be in a position to accompany or attend the Court proceedings in Khed, Ratnagiri.

5. Looking at inconvenience caused to the Applicant and imprimatur of the Supreme Court in the case of *N.C.V. Aishwarya Vs. A.S. Saravana Karthik Sha*¹, the present case is a fit case for allowing Application filed by Applicant. The Miscellaneous Civil Application deserves to be allowed looking at hardship of the Applicant. Miscellaneous Civil Application stands allowed in terms of prayer clause (A) which reads thus:-

“A] That this Hon’ble Court be pleased to transfer the proceedings in Marriage Petition bearing No.202 of 2023 presently pending on the file of The Ld. Civil Judge Senior Division, Khed, District – Ratnagiri to The Ld. Family Court, Solapur at Solapur.”

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

H. H. SAWANT

[MILIND N. JADHAV, J.]

1 AIR 2022 SC 4318.