

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 225 OF 2024

Nandini Sunil Gaikwad

.. Applicant

Versus

Sunil Dattatraya Gaikwad

.. Respondent

.....

- Mr. Dhananjay D. Rananaware for Petitioner
- Mr. Nilesh Nidhalkar for Respondent

.....

CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 13, 2024

P. C.:

1. Heard Mr. Rananaware, learned Advocate for Petitioner and Mr. Nidhalkar, learned Advocate for Respondent.

2. Present Misc. Civil Application (MCA) seeks transfer of Marriage Petition filed in Family Court, Pune by Respondent husband to the Civil Judge Senior Division at Baramati.

3. Applicant is residing in Baramati. She is required to provide care and support for her minor son who resides with her at Baramati. Proximity of distance would be a little over 100 kms. Since the hardship of Applicant is clearly evident in view of medical ailment suffered by her as stated in paragraph No. 6 of the Application for which Applicant is required to undertake regular medical treatment. Applicant has also filed other proceedings in the Civil Court at Baramati. Grounds of hardship stated in the Application from

paragraph No. 6 onwards have been perused and hence there can be no impediment in allowing the present Application.

4. Mr. Nidhalkar, learned Advocate for Respondent in his usual fairness in response would submit that appropriate orders be passed in accordance with law. He has not argued and submitted any irrelevant submissions which is a norm in this Court in MCAs when Advocates appear on behalf of the Respondent - husband. Conduct of Mr. Nidhalkar is therefore appreciated by this Court.

5. Mr. Rananaware in his usual fairness informs the Court that D.V. Act proceedings and the Marriage Petition be clubbed together. It is agreed upon by Mr. Nidhalkar.

6. In view of the above, MCA is allowed in terms of prayer clause (b) which reads thus:-

(b) *This Hon'ble Court may be pleased to transfer the Marriage Petition bearing P.A. No. 1586 of 2023 filed before the Ld. Family Court at Pune to the Court of Ld. C.J.S.D., at Baramati;*

7. Civil Judge Senior Division at Baramati is directed to club both the proceedings together and determine the same strictly in accordance with law.

8. All contentions of both the parties are expressly kept open.

9. MCA is allowed and disposed.

[MILIND N. JADHAV, J.]