

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 181 OF 2024

Megha Abhijeet Pawar Alias Megha Laxman ..Applicant
Supekar

Versus

Abhijeet Vishnupant Pawar ...Respondent

Mr. R. B. Kulkarni, i/b Anant Vadgaonkar, for the Applicant.
None, for the Respondent.

CORAM: N. J. JAMADAR, J.

DATED : 3 JANUARY 2025

P.C.:

1. Heard learned Counsel for the Applicant. None appears for the Respondent. The learned Counsel for the Applicant submits that the Respondent has been served by private service. An Affidavit of Service is filed.

2. Perused the Affidavit of Service. It appears that the notice sent by Registered Post A.D. has been duly served on the Respondent. A copy of the tracking report is annexed to the Affidavit of Service.

3. The marriage of the Applicant was solemnized with the Respondent on 5th March 2021. In the wake of the matrimonial discord,

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the Applicant has filed a Petition No. A-20 of 2023 before the Family Court at Sangli. The Respondent has filed a Petition for Restitution of Conjugal Rights under Section 9 of the Hindu Marriage Act, being Hindu Marriage Petition No. 212 of 2023 before the Court of Civil Judge, Senior Division, Vadgaon-Maval.

4. This Application is preferred seeking transfer of Petition for Restitution of Conjugal Rights to the Family Court, Sangli.

5. In the Application it is averred that the distance between the place of residence of the Applicant and Vadgaon is 550 kms. The Respondent is in arrears of maintenance. The Applicant has no means to defend the proceedings before the CJSD, Vadgaon-Maval.

6. Sufficient cause has been shown by the Applicant for transfer of the proceedings from the Court of CJSD, Vadgaon-Maval to the Family Court at Sangli. In view of the situation in which the Applicant-wife finds herself, it would be difficult for the Applicant to effectively defend the proceedings in Marriage Petition before the Court at Vadgaon-Maval. The distance is prohibitive. The Applicant would be put to inconvenience and expenses to attend the proceedings at Vagaon-Maval. It is, therefore, expedient in the interest of justice that the proceedings pending on the file of CJSD, Vadgaon-Maval be transferred to the Family Court at Sangli. Hence the following order:

ORDER

(i) Application stands allowed in terms of prayer clauses (a) and (b).

(ii) The learned CJSD, Vadgaon-Maval is directed to transfer record and proceedings of Marriage Petition No. 212 of 2023 to the Family Court at Sangli within a period of four weeks from the date of the communication of this order.

(iii) Parties shall appear before the Family Court at Sangli on 13th February 2025.

(iv) Application disposed.

[N. J. JAMADAR, J.]