

Sarnobat

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

MISC. CIVIL APPLICATION (STAMP) NO. 16203 OF 2018

Sneha Prashant More W/o. Prashant More. ... Applicant.
Vs.
Mr. Prashant P. More. ... Respondent.

Mr. Ashok M. Saraogi, for the Applicant.
Mr. Mayur Salunke, for the Respondent.

CORAM : A. M. DHAVALÉ, J.

DATE : 20th AUGUST, 2018.

P. C. :

1. The wife has filed this application under Section 24 of Civil Procedure Code for transfer of Marriage Petition No. 1396 of 2017, filed by her husband for divorce in the family Court Pune on the ground that she is residing at Dombivali. She seeks transfer to family Court at Thane or Senior Division, Kalyan. Admittedly, husband is serving in Army as a Captain in Engineering Department at Khadki, Pune. Wife is house wife residing at Dombivali. The application is opposed on the following grounds;

I) The conduct of the applicant giving different addresses and thereby harassing the husband; II) Husband is serving as a Captain and transfer of case will be detrimental on his performance of his official duties.

2. After hearing learned counsel of the parties, it is noticed that there is no dispute that the wife has filed one FIR at Dombivali and Criminal case is pending in Kalyan Court. Besides, she has filed a case under Domestic Violence Act in Kalyan Court. There are allegations and counter allegations of both the parties that they have given false addresses, but it is not disputed that the wife is residing at Dombivali.

3. Learned advocate for the respondent has shown that she has given her address in notice dated 11th April, 2018 at Sevree. However, the said address is of a shop premises of her uncle Manobar Baburao Bhosale and not her address. Learned advocate Mr. Saraogi argued that even the husband has given wrong address of the wife in marriage petition showing her resident at Dapodi, Pune which is not true.

4. When the matrimonial relations turn bitter there are always allegations and counter allegations of serious nature. Some times, the territorial jurisdiction is used as a weapon of harassment. There are allegations that wife has complained against the Army officers as well as against the judicial system.

5. In ***Sumitha Singh Vs. Kumar Sanjay and another, AIR 2002 Supreme Court, 396***, the wife was required to travel a distance of 1100 Kilometers from Delhi to Ara to defend herself and she stated that she had no provision of stay in Ara. Considering this fact, it was observed that the wife's convenience must be looked at and the

circumstances referred above were sufficient to make the transfer petition absolute. The ruling is squarely applicable to the present case. Merely because the wife has made allegations against the Army officers or the process servicing officer of the judiciary, it will not weigh the decision regarding transfer petition. This judgment was followed in ***Smt. Kalpana w/o Pankaj Rozatkar Vs. Pankaj Supadu Rozatkar, AIR 2013 Bombay 146.***

6. In view of these facts, the application is allowed. The Marriage petition No. 1396 of 2017 pending in the Family Court Pune is transferred to the Court of Civil Judge, Senior Division Kalyan. It is directed that the learned Civil Judge, Senior Division shall accommodate the opponent by giving suitable dates so that, he can attend all the proceedings simultaneously. It is further directed that if the husband is ready to bear the expenses, the hearing of Family Court proceedings may be taken through Video Conferencing while he would be stationed at Pune or in case of his transfer of any other place. The application stands disposed of. The parties are directed to appear before the Civil Judge Senior Division on 10th September, 2018.

[A. M. DHAVAL, J.]