

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

**MISCELLANEOUS CIVIL APPLICATION NO.160 OF 2019**

Nikita Mayur Chaudhari ... Applicant  
Vs.  
Mayur Ashok Chaudhari ... Respondent

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Ms. Jyoti Bajpayee for the applicant.  
Mr. Hemant Ganatra I/b. Ms. Usha S. Tanna for the respondent.

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**CORAM : M. S. KARNIK, J.**

**DATE : 10<sup>th</sup> OCTOBER, 2019.**

**P. C.:**

1. Heard learned counsel for the applicant and learned counsel for the respondent.

2. This is an application for transfer of the proceedings filed by the respondent-husband before the Family Court at Bandra to the Family Court at Nashik where the applicant-wife is residing. The marriage was solemnized on 02.07.2017. A month later the husband realised that the wife is suffering from mental disorder and therefore Marriage Petition was filed before the Family Court at Bandra under Section 12(1)(b) and (c) of the Hindu Marriage Act. It is the contention of learned counsel

appearing for the applicant-wife that she had initially filed an application under Section 125 of the Code of Criminal Procedure for maintenance before the Family Court at Nashik on 02.01.2018. The proceedings for nullity of marriage are instituted before the Family Court at Bandra by the respondent on 19.01.2018.

3. The respondent has filed proceedings before the Family Court at Bandra for declaring the marriage as null and void on the ground that the wife is suffering from some mental disorder. It is stated that it is difficult for the wife to travel from Nashik to Family Court at Bandra. It is further contended by learned counsel for the applicant that it is very inconvenient for wife to attend the proceedings considering the allegations levelled against her in the Marriage Petition.

4. Learned counsel for the respondent would submit that it is only one month after the marriage, proceedings for declaring the marriage as null and void came to be filed. He would submit that the wife has appeared before the Family Court on various dates. He further would submit that he is willing to provide the

expenses of the wife for the travelling from Nashik to Bandra and according to him as she has attended on several dates it is not at all difficult for the wife to attend the proceedings at Bandra.

5. Heard learned counsel. One month after the marriage was solemnized the respondent realised that the wife is mentally unstable whereafter the couple started residing separately. The wife filed an application under Section 125 of the Code of Criminal Procedure for maintenance before the Family Court at Nashik on 02.01.2018. The proceedings for declaring the marriage as null and void are filed by the respondent on 19.01.2018 before the Family Court at Bandra. Considering the allegations levelled against the wife in the Marriage Petition and the fact that the wife is residing at Nashik where already proceedings under Section 125 of the Code of Criminal Procedure are pending, it would surely be inconvenient for the wife to attend the proceedings at Bandra. The respondent is a businessman. It is one of the contention of learned counsel for the husband that if he is made to attend the proceedings at Nashik, it will cause him tremendous inconvenience and he would face huge loss in his business.

6. Considering the facts on record, I am of the opinion that the present Application deserves to be allowed. The respondent can always make an application for exemption before the Family Court at Nashik. Equally on the dates when the husband's presence is required for deposition, the wife is put to terms that there should be no unnecessary adjournment at the instance of the wife. The wife to co-operate with the Family Court at Nashik in the expeditious disposal of the proceedings.

7. The application is allowed in terms of prayer clause (a).

8. The application is disposed of.

9. Liberty to the parties to make an application to the Principal Judge of the Family Court for clubbing of the matters.

**( M. S. KARNIK, J. )**