

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISC. CIVIL APPLICATION NO.254 OF 2019

Nisha Amit Chandaliya .. Applicant

Vs.

Amit Ishwarlal Chandaliya .. Respondent

...

Mr. Abhishek Patil for the applicant.

Ms. Sneha G. Sanap for the respondent.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 29TH NOVEMBER, 2021.

P.C:-

1. By the present application, the applicant-wife is seeking transfer of proceedings filed by respondent-husband in the Family Court at Pune being P.A. No.1762 of 2018 to the Family Court at Thane.

2. Heard learned counsel appearing for the applicant and the respondent.

3. The marriage between the parties was solemnized in the year 2017 and there is a girl child borne out of the said wedlock,

AJN

who is three year old as on date. Since the relationship did not work well, it resulted in filing of several proceedings which included lodging of complaint under Section 498A of the IPC by the wife as well as instituting proceedings under the Domestic Violence Act before the Magistrate Court at Thane. The respondent-husband filed a petition for divorce in the Family Court at Pune and, prior to this, he had instituted the petition in the Civil Court at Baramati, which was returned for want of jurisdiction.

4. The ground pressed into service by learned counsel for the applicant was the difficulty expressed by her in taking the travel from Thane to Pune, which is approximately 200 to 250 kilometers and, on every date, she will have to travel along with her daughter, who is very young. The mother will be left with no option, but to carry her considering the young age and she cannot be left behind. This will unnecessarily drag the little child for attending the proceedings. In case the proceedings are transferred to Thane, the child can be left with the parents for a short duration and the applicant can conveniently attend the proceedings.

5. I find sufficient ground in the said request being made to transfer the proceedings filed by the husband to a place where the wife is residing. As stated by learned counsel for the respondent, since the respondent is not employed, it will not

pose any difficulty for him to attend the proceedings in Thane. Since the proceedings under the Domestic Violence Act are pending before the Magistrate Court in Thane, the said proceedings are directed to be transferred to the Family Court, Thane and club along with the divorce proceedings, which would save the time and efforts of the parties and which would cut short the time in adjudicating the said proceedings.

6. In such circumstances, the miscellaneous civil application is allowed in terms of prayer clause (a). Resultantly, P.A. No. 1762 of 2018 pending in the Pune Family Court, Pune is transferred to Thane Family Court, Thane. Further, the proceedings under the Domestic Violence Act instituted by the wife vide proceeding No. D.V. Application No.505 of 2018 filed under Sections 12, 18, 19, 21 and 22 of the Domestic Violence Act, 2015 shall also be transferred to the Family Court, Thane and learned Judge, Family Court, Thane is requested to collect the proceedings and let them proceed simultaneously. Let the record be transmitted forthwith to the Family Court at Thane by the Family Court at Pune as well as the Magistrate Court, Thane. Needless to state that the parties will render all their cooperation by remaining present in the Family Court on the dates allotted for hearing. Misc. civil application is disposed of.

[SMT. BHARATI DANGRE, J.]