

Suchitra

**IN THE HIGH COURT OF BOMBAY AT GOA
TRANSFER APPLICATION NO.1/2022**

ADITI SATISH KHADSE
Hindu, Indian Inhabitant,
31 years of age, Occ. Unemployed,
House no.1000/6B/UGF1,
Grande Succorro Ambrina
Near Succorro Church
Porvori Goa.

... APPLICANT

Versus

KARAN BHISE
Hindu, NRI, 31 years of age,
Occ. Service, Presently
residing at Grand Rapid 1868,
R W Berends Drive South West
Apartment 6 Wyoming MI 41519
EMAIL: Knbhise06@gmail.com

... RESPONDENT

Ms. Gautami Kamat, Advocate *for the Applicant.*
Mr. Upendra Mahadik, Advocate *for the Respondent.*

CORAM: M. S. SONAK, J.
DATED: 8th June 2022

ORAL ORDER:

1. Heard Ms. Gautami Kamat for the Applicant and Mr. Upendra Mahadik for the Respondent.
2. This is an application for transfer of Matrimonial Petition No.A/32/2022 filed by the respondent before the Bandra Family

Court to the Court of learned Civil Judge, Senior Division at Mapusa, Goa.

3. The applicant is the wife and the respondent, who has instituted the matrimonial petition in the Family Court at Mumbai is the husband. Admittedly, at present, the respondent is residing in the United States of America (U.S.).

4. Ms. Gautami Kamat submits that it will be extremely difficult for the applicant to attend to the proceedings at Mumbai. She submits that the applicant is already suffering trauma on account of domestic violence perpetrated by the respondent upon her. She submits that the applicant was brought up in Goa and was domiciles in Goa until she got married in Mumbai and left for the U.S. on 26.04.2018.

5. Ms. Kamat pointed out that the Judicial Magistrate, First Class at Mapusa in DVA Case No.51/2021 has declined to grant the Applicant any interim relief. As a result, the applicant is not in receipt of any maintenance from the respondent. Ms. Kamat submits that the applicant proposes to challenge the order dated 02.06.2022 declining her interim relief.

6. Ms. Kamat relies on the decision of this Court in *Sakshi Krishna Nath Gosavi v. Krishna Marutinath Gosavi – Transfer Application No.5/2018 decided on 28.02.2019* and *Ms. Kanaka Dhirendra Thakker v. Mr. Suneet Lalgulab Chandavani - Transfer Application No.5/2018 decided on 05.08.2021*.

7. Mr. Mahadik, learned counsel for the respondent submits that no case for transfer has been made out by the applicant. He referred to the order made in the DVA proceedings to point out that the applicant has made exaggerated claims for maintenance. He points out to the findings in the order in terms of which even interim relief was declined to the applicant.

8. Mr. Mahadik submits that the applicant is only interested in extortion and therefore the transfer application should be dismissed. He submits that the respondent is ready to bear travel and stay expenses and therefore, no transfer should be ordered. He relies on *Preeti Sharma v. Manjit Sharma – (2005) 11 SCC 535* in support of his submissions.

9. The rival contentions now fall for my determination.

10. In this case, there is no dispute that the respondent is presently residing in the U.S. Mr. Mahadik submitted that the

respondent earns approximately \$ 56,000 per annum. He submits that there are a lot of expenses that the respondent has to incur and therefore there is no much surplus with the respondent.

11. Since, the respondent resides in the U.S., no serious prejudice will occasion to the respondent if the proceedings are transferred to Goa. However, serious prejudice is bound to occasion to the application if she is required to attend the proceedings in Mumbai.

12. The material on record indicates that the parties were married some time in the year 2017 and left for U.S. in the year 2018. Within hardly three years the applicant had returned from U.S. This is not the occasion to decide whether the allegations of domestic violence levelled by the applicant against the respondent are true or not. However, the fact remains that within a short span the applicant returned from U.S. and has been residing in Goa with her father.

13. To require the applicant in such circumstances to attend the proceedings at Bandra, Mumbai will not be proper. The balance of convenience is entirely in favour of the applicant. Prejudice, if any, to the respondent will be quite minimal.

14. The offer to pay the expenses is not sufficient in the facts and circumstances of the present case. A big city like Mumbai involves its own issues. Accommodation as well as transport is quite expensive in Mumbai. The applicant will have to seek assistance of some other person of her confidence to accompany her to Mumbai. There will be expenses involved on this aspect as well. The decision in the case of *Preeti Sharma (supra)* turns on its own facts. Rather, the facts in *Kanaka Thakker (supra)* are somewhat similar. Here, the respondent, in his reply, has not made out any case of serious inconvenience if the proceedings are transferred to Goa.

15. For all the aforesaid reasons this transfer application is allowed and the Matrimonial Petition No.A/32/2022 pending in the Family Court at Mumbai is now ordered to be transferred to the Court of Civil Judge, Senior Division at Mapusa, Goa. The Registry to assist the applicant in presenting this order to the Family Court at Mumbai so that the transfer of proceedings is suitably facilitated. The applicant will also have to take steps in this regard.

16. Transfer Application is disposed of in the aforesaid terms.

M. S. SONAK, J.