

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 163 OF 2019

Dr. Poonam Aniket PatilApplicant.

V/s

Dr. Aniket Pasgonda PatilRespondent

Mr. Rakesh H. Pathak for the Applicant.

Dr. Poonam Aniket Patil, Applicant, is present.

Dr. Aniket Pasgonda Patil, Respondent in person present.

CORAM: NITIN W. SAMBRE, J.

DATE: FEBRUARY 10, 2022

P.C.:-

1] Parties hereto are doctors by profession and got married on 23/1/2011. Parties are blessed with a son on 13/4/2012. He is aged about 10 years as on date and is in the custody of Applicant-wife. Applicant-wife, I am informed, is serving at Mumbai after matrimonial discord and is staying with her minor son.

2] In the aforesaid backdrop, prayer for transfer of proceedings initiated by the husband being Marriage Petition No.29 of 2019 pending on the file of Civil Judge, Senior Division, Jaysingpur, Kolhapur is made and transfer is sought to Family Court, Bandra,

Mumbai.

3] Prayer is opposed by the party in person i.e. non-applicant who is connected through virtual mode. Non-applicant submits that he is also a doctor by profession and the fact that non-applicant will also equally suffer in case if he is required to travel to Bandra, Mumbai needs to be appreciated. As such, according to him, since the proceedings are initiated based on the cause arisen at Jaysingpur, Application be rejected.

4] Considered rival submissions.

5] Fact that Applicant-wife is serving in Mumbai and is a custodian of minor son is not disputed by the non-applicant.

6] In the aforesaid backdrop, having regard to the law laid down by the Apex Court, issue of hardship has to be looked into and considered in favour of the Applicant-wife.

7] In that view of the matter, Application stands allowed in terms of prayer clause (a). Prayer clause (a) reads as under:-

“a) This Hon’ble High Court be pleased to allow the present transfer application and to direct Civil Court, Senior Division, Jaysingpur, Kolhapur to transfer the said Marriage Petition No.29 of 2019 and to commence the said proceeding in Family Court, Bandra, Mumbai.”

8] Parties hereto agree that they shall appear before the Family Court, Bandra, Mumbai on 15th March, 2022.

9] Application is disposed of.

(NITIN W. SAMBRE, J.)