

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

MISC. CIVIL APPLICATION NO.43 OF 2021

Digitally
signed by
BALAJI
GOVINDRAO
PANCHAL
Date:
2022.01.11
15:53:56
+0530

Neeraj Shridhar ..Applicant
Versus
Nikila Shridhar w/o Neeraj Shridhar ..Respondent

Ms. Rohini Wagh, for the Applicant.
Ms. Monica Salian i/by Corporate Attorneys, for the Respondent.

CORAM : NITIN W. SAMBRE, J.

DATE : 7th JANUARY, 2022

PC.

1. This application is moved by the husband seeking transfer of divorce proceedings being Petition No.A-1151 of 2020 pending on the file of Family Court, Pune of which transfer is sought at Family Court, Bandra, Mumbai.

2. Ms. Rohini Wagh learned counsel appearing for the applicant while trying to make out case under Section 24 of the CPC for transfer would urge that the non-applicant is already attending execution proceedings at Family Court, Bandra vide Regular Darkhast No.296 of 2021. Apart from above, according to her in Crime No.27 of 2016 the non-applicant is complainant and charge-sheet in the said matter is presented in the Court at Bombay which otherwise she is required to attend. In addition, it is claimed that the non-applicant is shown to be defendant in civil suit pending in

Dindoshi Court and that being so, she is required to attend above three proceedings at Bombay. It is claimed that in the aforesaid background and having regard to the fact that applicant is custodian of a minor son aged about 14 years, if required to travel to Pune will suffer more hardship particularly in the backdrop of his advanced age of 60 years.

3. Prayer made is opposed by the learned counsel for the respondent.

4. I have considered aforesaid submissions.

5. A prayer is made for seeking transfer of proceedings under Section 24 of CPC by the applicant/husband alleging that in the proceedings pending at Bombay non-applicant/wife is not required to attend the same on day to day basis as she has already engaged lawyer to represent her. As far as the transfer of execution proceedings is concerned, the same I am informed was initiated at Family Court, Pune and transferred to Bombay. In the aforesaid background, convenience of the respondent/wife is required to be considered.

6. Apart from above, one of the ground which is urged for seeking transfer that the non-applicant is permanently staying with the applicant at Bombay and as such it shall be convenient even for the non-applicant to attend the proceedings at Bombay. The

aforesaid fact is disputed by the counsel for the non-applicant as according to her non-applicant/wife is required to stay at Pune with her parents. The applicant is not cooperating even in the execution proceedings which has prompted her to attend execution proceedings at Bombay. As far as the issue of place of permanent residence of non-applicant at Bombay is concerned, the fact is already disputed by the non-applicant.

7. In the aforesaid background, particularly having regard to the fact that there are pleadings at the behest of the non-applicant that she is compelled to stay at Pune with her parents, which in my opinion, prompts this Court to reject the said contention of the applicant.

8. As such, no convincing ground for exercise of Section 24 of CPC in favour of the applicant.

9. That being so, application stands rejected.

[NITIN W. SAMBRE, J.]