

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

MISC. CIVIL APPLICATION NO. 144 OF 2022

Mrs. Kranti Nitin Mundhe. .. Applicant

Vs.

Mr. Nitin Abhimanyu Mundhe & anr. .. Respondents

Mr. Ravi P. Kadam, for the Applicant.

CORAM : KAMAL KHATA, J.

DATE : 3 JULY, 2023.

P.C. :

1. Learned Counsel for the applicant shall remove office objection/s by the end of the day today.
2. This Miscellaneous Civil Application is filed by the Applicant wife under section 24 of the Civil Procedure Code 1908, for transfer of Marriage Petition No. 390/2020 filed by the Respondent husband from Civil Judge, Senior Division, Pune to Family Court, at Beed.
3. The Applicant's case is that the marriage took place on 11th February, 2018 at Hotel Sai Palace, Jalna Road, Beed. They have no issues out of wedlock. On account of marital discord, the applicant is staying separately with her parents. On 15/5/2019 the applicant lodged an FIR bearing No. 0199 in the

Shivajinagar Police station, Beed. N.C.R. was filed on 4/6/2019 in City Police Station, Beed. On 7th June, 2019, the Applicant has also filed Criminal Miscellaneous Application No. 552 of 2019 before the Chief Judicial Magistrate at Beed seeking maintenance of Rs. 15,000/- per month. On the other hand, on 24th February, 2020 the Respondent No.1 filed a petition for divorce at Civil Judge, Senior Division, Pune under Section 13 (1) (ia) of the Hindu Marriage Act, 1955 bearing Marriage Petition No. 390/2020.

4. Learned counsel for the applicant submits that the applicant has been assaulted on occasions when she visited Pune and therefore apprehends her safety whilst attending the Court. The applicant is staying at Beed. The distance between Beed and Pune is around 300 kms., which would take 10 to 12 hours to and fro. Learned counsel for the applicant submits that the applicant is unable to travel as she has no source of income and she has not been paid any compensation so far by the respondent-husband. The applicant is solely dependent on her parents. She would have to take a companion to attend court proceedings to ensure her safety. On the other hand, the respondent is well placed and would not have any inconvenience to travel. He accordingly submits that the

application be made absolute.

5. The law with respect to transfer of proceedings, particularly matrimonial disputes, is no longer *res-integra*. The ratio laid down by the Hon'ble Supreme Court in the cases of ***Sumita Singh v. Kumar Sanjay reported in (2001) 10 SCC 41 : AIR 2002 SC 396*** and ***N.C.V. Aishwarya v. A. S. Saravana Karthik Sha reported in 2022 SCC OnLine 1199*** that in matrimonial disputes, it is the convenience of the wife which is preferred over the convenience of the husband while considering the transfer of a case from one Court to another. In view of the above, I am inclined to allow this application and pass the following order:

(i) Application is allowed in terms of prayer clause (b).

(ii) The proceedings and application made in M.P. No. 390/2020 pending before Civil Judge, Senior Division, Pune be stayed pending transfer; and be transferred to Family Court, at Beed, Maharashtra.

(iii) The transfer may be effected within a period of four weeks and upon receipt of the papers and proceedings the Family Court, at Beed, Maharashtra, shall give notice to the parties,

preferably within three weeks, to proceed with their respective matters.

(iv) All concerned to act on the authenticated copy of this order.

[**KAMAL KHATA, J.**]