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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.172 OF 2022

Kirti Rohit Tikare

...Applicant

V/s.

Rohit Prabhakar Tikare

...Respondent

Mr. R. R. Patil for Applicant.

Mr. Manoj S. Singh a/w Mr. Puneet S. Shukla i/by MKS Legal Associates for Respondent.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 03, 2023

P.C.:

1. The applicant-wife has filed present application seeking transfer of Marriage Petition No.A/284 of 2021 pending before the Family Court, Bandra to the Family Court Pune.

2. The marriage between applicant and respondent took place on 24th January 2015. Due to matrimonial differences between the parties, they started residing separately and, therefore, applicant filed petition under Section 9 of the Hindu Marriage Act, 1955 for restoration of conjugal rights. It is stated that criminal complaint under Section 376 and 420 is pending before the Sessions Court Pune bearing Sessions Case No.288 of 2016. The respondent has thereafter filed petition under Section 12(1)(c) of the Hindu Marriage Act, 1955, for declaring marriage as nullity. The applicant has, therefore, filed present application

seeking transfer of proceedings pending before the Family Court Bandra to Family Court Pune.

3. The opponent has objected for transfer of proceedings mainly on the ground that the head office of the applicant is at Mumbai and, therefore, she is required for regularly visit at Mumbai. It is stated that the respondent is working with private employer and it would be impossible for him to visit Pune on each and every date to attend the matter.

4. Having heard counsels for both sides, in my opinion, the applicant has made out a case for following transfer based on the following factors:-

- (i). The distance is between Pune to Mumbai is around 250 kms and it takes around 4 to 5 hours to travel 1 day;
- (ii). The opponent is required to attend to the proceedings filed by the wife under Section 9 of the Hindu Marriage Act, 1955 and also Sessions Case No.288 of 2016 filed under Sections 376 and 420 of the Indian Penal Code, 1860, by one – Urmila Jagtap Karande;

5. Considering aforesaid factors, in my opinion, it is inconvenient for the wife to attend proceedings at Family Court in Mumbai. Therefore, the applicant has made out a case for transfer. The application is, therefore, allowed in terms of prayer clause (a).

(AMIT BORKAR, J.)