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

MISCELLANEOUS CIVIL APPLICATION NO.363 OF 2022

Shreya Suraj Thakekar Nee Monika
Rajan Jage ... Applicant

V/s.

The State of Maharashtra Through
Government Pleader High Court,
Mumbai & Anr. ... Respondents

Mr. Rahul P. Raut & Mr. Sujith Suresh i/by Amar Ashok
Gharte for the applicant.

Ms. Tanaya Goswami, AGP for the respondent/State.

Mr. Suraj Thakekar, respondent No.2 appears in-
person.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 9, 2023

P.C.:

1. The wife has filed present application seeking transfer of proceedings pending before the Family Court, Thane to the learned Civil Court Senior Division at Panvel.

2. The marriage between the applicant and respondent was performed on 26th April 2016. Due to matrimonial differences between the applicant and opponent, the wife filed proceeding under provisions of the Protection of Women From Domestic Violence Act, 2005. The said proceeding is filed before the Civil

Judge Senior Division, Panvel.

3. The respondent has also filed proceeding under section 9 of the Hindu Marriage Act, 1955 seeking restitution of conjugal rights. The said petition is pending before the learned Family Court, Thane.

4. According to the applicant, the nature of evidence on both proceedings being similar, there is possibility of conflicting findings and, therefore, the proceedings at Thane needs to be transferred to the Court at Panvel. Apart from the said ground, the inconvenience caused to the wife is also pleaded. On notice being issued by this Court, the respondent is appears in-person has filed affidavit contesting the averments in the application.

5. Relying on the judgment of the Punjab and Haryana High Court in the case of **Manpreet Kaur V/s. Gurubaksh Singh**, delivered in T.A. No. 173 of 2022 dated 26th May 2022, it is submitted that the Punjab and Haryana High Court rejected the similar application of wife mainly on the ground that the distance between both the places being 60 kms., it would not cause inconvenience to the wife.

6. Having heard the learned advocate for the applicant and the respondent who is present in-person, in my opinion, it would be convenient for wife to attend proceedings before the Court at Panvel as she is residing at Panvel. The proceedings filed by the wife are pending before the Court at Panvel and the proceedings filed by the husband for restitution of conjugal rights are pending before the learned Family Court, Thane.

7. Considering the nature of proceedings pending between the parties, it would be convenient for wife to attend proceedings at Panvel and it would not be inconvenient for husband to attend proceedings at Panvel.

8. in my opinion, the application filed by the applicant deserves to be allowed.

9. For the aforesaid reasons, the miscellaneous civil application is allowed in terms of prayer clause (a).

(AMIT BORKAR, J.)