

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

MISCELLANEOUS CIVIL APPLICATION NO.175 OF 2018

Chandani Rohit Shinde	.. Plaintiff
v/s.	
Rohit Rajendra Shinde	.. Defendant

...

Mr. Sachin K. Hande for the Applicant.

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CORAM : KAMAL KHATA, J.

DATED : 20TH JUNE 2023.

P.C. :

1. This Miscellaneous Civil Application is filed by the applicant wife under Section 24 of the Civil Procedure Code, 1908 to transfer Marriage Petition No.62 of 2017 filed by the respondent husband pending before the Civil Judge Senior Division Satara to Civil Judge Senior Division, Pune.

2. The applicant's case is that the marriage was solemnized at Pusegaon district Satara on 11th July 2013. During her stay at the Matrimonial Home, she was subjected to various acts of Domestic Violence. In view of the ill treatment, the applicant filed a Domestic Violence proceedings before the

JMFC Cantonment Court Pune bearing Criminal M.A. No.108 of 2017, which is pending. On the other hand, the respondent filed a marriage petition bearing No.62 of 2017 before the Civil Judge Senior Division Satara under Section 13 for Dissolution of Marriage. Out of the said wedlock, they have a daughter who is around five years old born on 28th March 2016.

3. The learned Counsel for the applicant submits that the applicant is residing at her parental home at Pune since 25th November 2016. She has no source of income. In view of having to take care of a minor child, she is unable to travel. The distance between Pune and Satara is about 125 kilometers which would take considerable time, effort and money. Besides, she would need someone to accompany her to travel to the Court each time. On the other hand, the respondent is working with an IT company and is well placed. Consequently, he submitted that the transfer application be allowed.
4. None appeared for the respondents.
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 369 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.

6. In the light of the law laid down in the aforecited decisions, the pleadings and materials on record and the totality of the facts and circumstances of this case, particularly that not only will the Applicant have suffer under hardship herself but also have considerable inconvenience to travel with some companion besides traveling which would cause tremendous inconvenience and hardship. Consequently, I am inclined to exercise the discretionary powers of this Court under Section 24 of the Code of Civil Procedure and allow the application for transfer.

7. In view of the above, I allow the transfer Application as follows.

- i. The proceedings and application made in M.P. No.62 of 2017 pending before the Civil Judge Senior Division Satara be stayed and be transferred to the

Family Court Pune.

- ii. The Registry shall forward a copy of this order to the Civil Judge, Senior Division, Satara with instructions to forthwith transmit all the records of M.P. No.62 of 2017 between the Respondent and Applicant to the Civil Judge, Senior Division Pune preferably within 4 weeks from the receipt of this order.
- iii. The Civil Judge Senior Division, Pune shall on receipt of the records of M.P. No.62 of 2017, fix a date preferably within 3 weeks and issue notice to the parties for proceeding with the matter.

10. All concern should act on the authenticated copy of this order.

(KAMAL KHATA, J.)