

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

MISCELLANEOUS CIVIL APPLICATION NO. 384 OF 2022

Mrs. Sheetal Ravindra Nikam	.. Applicant
v/s.	
Ravindra Babsaheb Nikam	.. Respondent

...
Mr. Yash Naik i/b. Mr. Vaibhav R. Gaikwad for the Applicant.
...

CORAM : KAMAL KHATA, J.

DATED : 21ST 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 Hindu Marriage Petition A No. 1477 of 2022 filed by the husband from Family Court, Bandra to Family Court, Satara.

2. The Applicant and Respondent married on 9th June, 2010. Out of wedlock on 11th June, 2011 son was born. On account of the Applicant being subjected to domestic violence by the Respondent, Applicant filed a domestic violence case bearing CR no. 462 of 2021 at Shahpuri Police Station. On account of continuation of the domestic violence, the Applicant left for her matrimonial home on 6th December 2021. On the other hand, the Respondent filed a Marriage Petition (Divorce petition) under Hindu Marriage Act

bearing Petition A No. 1477 of 2022 before the Family Court at Bandra.

3. The learned counsel for the Applicant submitted that the Applicant is residing at her parental home at Satara. The distance from Satara to Bandra is 256 kms and would take around 14 hours to and fro. The Respondent has failed to support the Applicant financially. It is submitted that the Respondent is very influential and is apprehensive of her well being. She would therefore have to take a companion for each date that she is required to attend in Court which would cause undue hardship and expense not only for herself but also for the companion. In view of the above, he submitted that the transfer Application be allowed. Applicant has no source of income. It is difficult for the Applicant to travel alone or with her son.

4. None appeared for the Respondent though served.

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 : - (i) ***Sumita Singh v. Kumar Sanjay reported in (2001) 10 SCC 41 : AIR 2002 SC 396***, (ii) ***Soma Choudhary v/s Gourab Choudhury (2004) 13 SCC 462***,

(iii) *Rajani K Pardeshi v/s Kishor B Pardeshi (2005) 12 SCC 237*,
(iv) *Anjali A Sadhwani v/s Ashok K Sadhwani AIR 2009 SC 1374*
and (v) *N.C.V. Aishwarya v. A.S. Saravana Karthik Sha reported in 2022 SCC OnLine 1199* is that the convenience of the woman that has to be looked into, 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 the applicant will suffer undue hardship and expense to travel from Satara to Bandra from time to time along with a companion, 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 under:

“Transfer the Marriage Petition (a) No. 1477 of 2022 under section 9 of the Hindu Marriage Act, 1955 pending before Family Court Bandra, Mumbai to the Family Court Satara and stay the proceedings pending transfer.”

8. The transfer may be effected within a period of 4 weeks and upon receipt of the papers and proceedings the Civil Judge Senior Division at Satara shall give notice to the parties, preferably within 3 weeks, to proceed with their respective matters.

9. All concerned to act on the authenticated copy of this order.

(KAMAL KHATA, J.)