

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

MISCELLANEOUS CIVIL APPLICATION NO. 424 OF 2022

Hrishikesh Bhalchandra Bhosale	.. Applicant
v/s.	
Ms. Komal Hrishikesh Bhosale	.. Respondent

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Mr. Hitesh P. Vyas for the applicant in MCA/424/2022.

Mr. Rupesh A.Zade a/w Ms. Priyanka Gupta for the respondent.

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CORAM : KAMAL KHATA, J.

DATED : 6TH JULY 2023.

P.C. :

1. This Miscellaneous Civil Application is filed by the Applicant-husband under Section 24 of the Civil Procedure Code 1908, for transfer of Complaint/Application bearing no.145/PWDVA/2021 under the provisions of Protection of Women from Domestic Violence Act, 2005 from 50th Metropolitan Magistrate Court at Vikhroli, Mumbai to Family Court, Pune to be tagged along with Petition no.A-483/2020.
2. The marriage took place on 19th June 2015 at Pune. No issues out of wedlock. On account of marital discord, the

respondent is staying separately with her parents since 2nd June 2020. It is stated that on 12th March 2021, the respondent came to reside at Vikhroli Mumbai. On 19th June 2020, HMP no.A-483/2020 was filed at Pune by the Applicant under Section 13(1) (ia) of the Hindu Marriage Act, 1955. On 16th December 2020 a written statement was filed. On 19th January 2021, the respondent filed her complaint at Hinjewadi under Section 498A. On 2nd August 2021, the DV application was also filed at Vikhroli Court, Mumbai.

3. Learned counsel for the respondent submits that the respondent resides at Ghatkopar with her cousin brother and she cannot travel to Pune alone to attend the Court proceedings. The respondent submits that she has no source of income to maintain herself; she has to depend on a companion to attend the proceedings at Pune. The distance between Bandra to Pune is 140 km and the expenses would be a huge financial burden considering the status and her situation. It is submitted that the respondent has filed the Domestic Violence case. On the other hand, the applicant is well placed and has his own car and driver, no prejudices will be caused to him.

4. The learned counsel for the applicant submits that the applicant is a Professor and is running coaching classes at Pune. Several students will suffer on account of his absence. It is submitted that he is willing to bear the expenses of travel and stay of the respondent.
5. There is no defense or ground raised by the respondent for not allowing this application. The ground that she is unable to travel alone is insufficient to disallow the application for transfer from Mumbai to Pune. The balance of convenience is in favour of the applicant-husband.
6. 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 (a).
 - (ii) The proceedings and application made in case no. 145/PWDVA/2021 pending before 50th Metropolitan Magistrate Court at Vikhroli, Mumbai, be stayed pending transfer; and be transferred to Family Court, Pune.
 - (iii) The transfer may be effected within a period of four weeks and upon receipt of the papers and proceedings the

Family Court, Pune, shall give notice to the parties, preferably within three weeks, to proceed with their respective matters.

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

(KAMAL KHATA, J.)