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

MISCELLANEOUS CIVIL APPLICATION NO.11 OF 2023

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Deepa Sathyan

... Applicant

V/s.

Sathyan Subramanian

... Respondent

Ms. Shobana Gopal for the applicant.

Mr. Asit Y. Chaware with Mr. Tanveer Patil and Mr.
Aditya Waghmare for the respondent.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 27, 2023

P.C.:

1. The miscellaneous civil application is filed by the wife seeking transfer of proceedings pending before the Family Court, Pune to the Family Court, Mumbai on the ground that it is inconvenient for the wife to attend proceedings before the Family Court, Pune.

2. Marriage between the applicant and respondent was solemnized on 2nd February 2017. Due to matrimonial differences between the parties, respondent filed an application under section 9 of the Hindu Marriage Act for restitution of conjugal rights which was disposed of and the parties started to reside together.

3. Thereafter, again due to differences between the parties, the respondent on 31st March 2022 filed application for divorce under

section 13 of the Hindu Marriage Act. On 14th March 22 the applicant filed proceedings under the provisions of the Protection of Woman from Domestic Violence Act before the Metropolitan Magistrate, 45th Court at Kurla, Mumbai.

4. The applicant has, therefore, filed present application seeking transfer of proceedings pending before the Family Court, Pune to the Family Court, Mumbai on the ground that it is inconvenient for her to attend proceedings before Family Court, Pune.

5. The respondent has filed reply contesting the applications. According to the respondent, the application for transfer has been filed to cause harassment to the respondent. She is well educated independent young woman. The trial of divorce petition in Family Court, Pune has already started. She is traveling to Pune for Court proceedings for last two (2) years.

6. Having heard learned advocates for both sides, in my opinion, it will be inconvenient for the wife to attend proceedings before the Family Court, Pune as undisputedly she is having employment in Mumbai and is residing in Mumbai. It is stated in paragraph 9 of the application that she is required to take care of her old parents and, therefore, it would be inconvenient for her to coordinate with her lawyer. Since the applicant is undisputedly in employment, in my opinion, considering reasons stated in paragraphs 9 and 12 of the application, the applicant has made out a case for transfer.

7. The miscellaneous civil application is allowed in terms of prayer clause (a). No costs.

(AMIT BORKAR, J.)