

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
MISCELLANEOUS CIVIL APPLICATION NO.476 OF 2022**

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|-------------------------|--------------|
| Jyoti Sandip Chavan     | ..Applicant  |
| v/s.                    |              |
| Sandip Vishnudas Chavan | ..Respondent |

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Mr. Gaurav Sharma a/w Mr. Siddharth Shinde for the Applicant.

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**CORAM : KAMAL KHATA, J.**

**DATED : 28TH JUNE 2023.**

**P.C. :**

1. This Miscellaneous Civil Application is filed by the Applicant wife under section 24 of the Civil Procedure Code 1908, for transfer of Marriage Petition No. A 376 of 2021 filed by the Respondent husband from Family Court, Civil Judge, Senior Division Ahmednagar to the Competent Court at Ahmednagar.
2. The Applicant's case is that the marriage took place on 1<sup>st</sup> July 2010 at Ulhasnagar. Out of the said wedlock they have the two sons Namely Nishant Chavan born on 5<sup>th</sup> May 2015 and Aryan Chavan born on 31<sup>st</sup> May 2011. On account of marital discord, the applicant is staying separately with her parents. The Applicant Filed Domestic Violence Proceedings

against the Respondent, bearing No.120 of 2022.

3. Learned counsel for the applicant submits that the applicant is unable to travel as she has no source of income and she has not been paid any compensation so far by the respondent-husband. The distance between Ahmednagar to Ulhasnagar is around 215 kms., which would take considerable. He accordingly submits that the application be made absolute.
4. 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 396*** 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. 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 clauses (b) and (c).

(ii) The proceedings and application made in Marriage

Petition No. A 376 of 2021 pending before Family Court Ahmednagar be stayed pending transfer; and be transferred to Competent Court Kalyan.

(iii) The transfer may be effected within a period of four weeks and upon receipt of the papers and proceedings the Competent Court Kalyan, 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.)**