

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

MISCELLANEOUS CIVIL APPLICATION NO.19 OF 2023

Vidya Somkant Zirpe	..Applicant
v/s.	
Somkant Prabhakar Zirpe	..Respondent

...

Mr. Nitin Vhatkar 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.274 of 2018 by the Respondent husband from Learned Judge Civil Court of Senior Division Baramati to Civil Court of Senior Division, Satara.
2. The Applicant's case is that the marriage took place on 2nd July 2014 at Satara. Out of the said wedlock they have son born on 8th May 2016. On account of marital discord, the applicant is staying separately with her parents. The Applicant had filed Domestic Violence case under Section 125 of Cr.Pc.

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 Baramati to Satara is around 75 kms. On the other hand, the respondent is well placed and would not have any inconvenience to travel. He accordingly submits that the application be made absolute.
4. The learned counsel for the applicant states that application for interim maintenance under Section 24 of the Hindu Marriage Act, 1955 in the Marriage Petition No.274 of 2018, the Hon'ble CJSD Baramati passed an order of maintenance dated 21st November 2022.
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 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).
- (ii) The proceedings and application made in Marriage Petition No.274 of 2018 pending before Civil Court of Senior Division, Baramati, be stayed pending transfer; and be transferred to Civil Court of Senior Division, Satara.
- (iii) The transfer may be effected within a period of four weeks and upon receipt of the papers and proceedings the Civil Court of Senior Division, Satara, 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.)