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IN THE HIGH COURT OF BOMBAY AT GOA
TRANSFER APPLICATION NO.1 OF 2024

LAXMI MANOJ KARANDE

... APPLICANT

Versus

MANOJ CHANDRAKANT KARANDE

... RESPONDENT

Mr. Sagar Sarmalker, Advocate for the Applicant.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 13th June, 2024

P.C.

1. Heard Mr. Sarmalker learned counsel appearing for the Applicant.

2. The Respondent though duly served remained absent. On the last occasion, the matter was adjourned only for the appearance of the Respondent. Today also, the Respondent is absent.

3. The present petition is filed for transfer of Hindu Marriage Application No. 477/2022 pending on the file of Civil Judge Senior Division at Karad, Maharashtra. It is the contention of the Applicant that she is the wife of Respondent, however, due to matrimonial discord, she was thrown out of the Matrimonial House at Karad and therefore, she has to join her parent's house in Goa as she is having no source of income. The Applicant has filed DVA proceedings in Goa in

Judicial Magistrate First Class, Panaji wherein interim orders are passed granting maintenance to the Applicant, however, the Respondent failed to appear in the said matter and also failed to pay the maintenance awarded.

4. It is also contended that the Respondent filed a Hindu Marriage Application No. 477/2023 in the Court at Karad. It is the contention of Applicant that she is fully dependent on her parents and therefore, it will be difficult for her to attend the proceedings at Karad in order to defend herself. He submitted that the application filed before the Goa Court is pending for adjudication and accordingly, proceedings filed by the Respondent be transferred to Goa Court.

5. Though the Respondent is duly served, none appeared.

6. The documents placed on record would clearly show that the petition is filed by the Respondent against the Applicant under Section 13(1)(1a) of the Hindu Marriage Act for grant of divorce. The Applicant received summons from the said Court. Though she appeared in the said proceedings, her contention that she is unable to attend the Court at Karad on a regular basis is to be accepted. Similarly, the fact remains that the Applicant has filed proceedings under DVA in Goa Court wherein interim orders are passed against the Respondent granting maintenance.

7. It is contended on behalf of the Applicant that the Respondent failed to attend such proceedings and also failed to deposit the interim maintenance.

8. The above facts would clearly go to show that the Applicant being fully dependent on her parents is unable to defend herself effectively, in the matter of divorce which is filed by the Respondent in Karad. Accordingly, the application needs to be allowed, thereby transferring the said proceedings to the Court of Civil Judge Senior Division in Ponda Goa, so as to protect the interest of the Applicant.

9. The application is, therefore, allowed. The Hindu Marriage Application No. 477/2022 pending before the Civil Judge Senior Division at Karad, Maharashtra is transferred to Civil Judge Senior Division, Panaji-Goa for the purpose of adjudication.

10. Proceedings stand disposed of in above terms.

BHARAT P. DESHPANDE, J.