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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 161 OF 2024

Geetanjali Vikram Chandrekar ... Applicant

Versus

Vikram Vishnu Chandrekar ... Respondent

.....

Mr. Rishikesh Ajit Mohite for Applicant

Ms. Sarojini M. Patil for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATED : 27th SEPTEMBER, 2024

P.C. :-

1. At the outset, Ms. Patil, Learned Advocate for Respondent-Husband would submit that Affidavit-in-reply and Vakalatnama on behalf of Respondent be taken on record as there is a technical glitch in filing them online. The affidavit-in-reply dated 25th July, 2024 and Vakalatnama on behalf of Respondent is taken on record and directed to be placed in the record and file of the Court.

2. Present application is filed by Applicant wife seeking transfer of Marriage Petition No. A- 223 of 2016 pending in the Family Court at Nashik to the Family Court at Kolhapur. Applicant is a resident of Village Gudal, Taluka Radhanagri, Dist. Kolhapur. Respondent -

husband is a resident of Nashik. Application reveals that Applicant wife is unemployed at present whereas Respondent husband is in service.

3. Considering the proximity of distance between the two destinations, the inconvenience that would be encountered by the Applicant-wife to travel to Nashik all the way from Radhanagri in Kolhapur is clearly evident. That apart, she would require the accompaniment of an elder/parent also on all her visits apart from incurring substantial expenditure. Perusal of the application shows that parties have a daughter but she is residing with Respondent husband. She is 14 years old.

4. Further Applicant has filed D.V. Petition No.20 of 2017 in the Court of JMFC, Radhanagri, Kolhapur, which she is prosecuting. Submissions are made across the bar by both the Advocates in respect to the status and the stage of the proceedings on the basis of the Roznama but in order to consider the present application under Section 24 of the CPC, I do not find it relevant to consider the said submissions since any consideration by this Court will affect the hearing of the proceedings between the parties. On the ground of inconvenience and hardship that would be caused to the Applicant wife, the present application clearly deserves to be allowed. Application thus stands allowed in terms

of prayer clause (B), which reads thus:

“(B) The proceedings of HMP No. 223/2016 may kindly be withdrawn from the file of Family Court Nashik and the same may kindly be transferred to the Family Court Kolhapur for its disposal according to law. “

5. However, it is clarified that Respondent shall be entitled to appear through VC before the Transferee Court i.e. the Family Court, Kolhapur on the scheduled dates of hearing. That apart, it is directed that the D.V. Act proceedings filed before the JMFC, Kolhapur shall stand transferred to the Family Court at Kolhapur and both the proceedings i.e. HMP No. 223/2016 and the D.V. Act proceedings shall stand transferred to the Family Court Kolhapur they shall be clubbed together and decided and tried together.

6. Keeping all contentions of both the parties expressly open and without giving any opinion on the merits of the matter, the Misc. Civil Application stands allowed and disposed in the above terms. Parties are free to make an appropriate application before the Transferee Court in accordance with law.

(MILIND N. JADHAV, J.)