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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO. 169 OF 2024

Mayuri Sanket Ingale

.. Applicant

Versus

Sanket Sanjiv Ingale

.. Respondent

-
- Mr. Nagesh Chavan a/w. Mr. Sandip Khandekar, Advocates for Applicant.
 - Mr. Mahindra Deshmukh, Advocate for Respondent.
-

CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 28, 2024

P.C.:

1. Heard Mr. Chavan, learned Advocate for Applicant and Mr. Deshmukh, learned Advocate for Respondent.

2. Misc. Civil Application (MCA) seeks transfer of Marriage Petition No.A-278 of 2020 (Old HMP No.388 of 2019) filed by Respondent in the Family Court at Sangli to the Court of Civil Judge Senior Division, Shivajinagar, Pune.

3. Applicant has explained the grounds of hardship in paragraph Nos.6 and 7 of the MCA. Applicant resides in Pune alongwith her 5 year son. She has recently lost her father. The grounds of hardship are evident when read.

4. *PER CONTRA*, Mr. Deshmukh, learned Advocate for Respondent would submit that Applicant has her house in Sangli and

therefore it will be convenient to her to attend the proceedings in Sangli and Respondent is ready and willing to incur expenditure of her visit to Sangli. He would also submit that if required Applicant can be permitted to appear on VC. He would submit that recently there is a medical emergency / exigency in his family which may be considered since if Petition is transferred to the Court of Civil Judge Senior Division, Shivajinagar, Pune, Respondent will have to remain away from Sangli to attend the proceedings and that shall be detrimental to the family members of Respondent.

5. I have heard submissions made by both learned Advocates and perused the pleadings. On a scale of balance of convenience between parties the grounds of hardship enumerated by Applicant far outweigh the submissions made by Mr. Deshmukh.

6. Needless to state that Respondent shall be permitted to appear through VC before the Civil Judge Senior Division, Shivajinagar, Pune, where the Marriage Petition shall be transferred.

7. As held in the case of *N.C.V. Aishwarya Vs. A.S. Saravana Karthik Sha*¹, the Supreme Court has given its imprimatur while holding that given the prevailing socio-economic paradigm in the Indian society, generally, it is the wife's convenience which is to be looked at while considering the transfer. The Supreme Court further

¹ AIR 2022 SC 4318

states that the Courts have to take into consideration the economic soundness of both parties, the social strata of the spouses as also their present status and other factors while considering transfer.

8. In the facts of the present case, Applicant has made out a case for allowing the MCA. MCA stands allowed in terms of prayer clause (b) which reads thus:-

“(b) This Hon'ble Court be pleased to exercise the power conferred u/sec. 24 of the Civil Procedure Code, 1908 thereby ordered to Transfer of Petition No. A-278 of 2020 (Old HMP No. 388 of 2019) from the Family Court at Sangli to the Civil Judge, Senior Division, Shivaji Nagar, Pune and to decide in accordance with law.”

9. At the request of Mr. Deshmukh, learned Civil Judge Senior Division, Shivajinagar, Pune shall permit Respondent to appear on VC on the scheduled dates of hearing.

10. With the above directions, MCA is allowed and disposed.

[MILIND N. JADHAV, J.]

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