

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 188 OF 2024

Vedanti Pravin Jadhav	.. Applicant
Versus	
Pravin Sambhaji Jadhav	.. Respondent

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- Ms. Nikita Thuruwal i/by Mr. Rajesh More for Applicant.
 - None for Respondent.
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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 26, 2024.

P.C.:

1. Heard Ms. Thuruwal, learned Advocate for Applicant. Respondent has been served by the Advocate for Applicant. Affidavit of service dated 31.07.2024 has been filed and it is taken on record.
2. Present Misc. Civil Application (for short “MCA”) seeks transfer of Marriage Petition filed by Respondent – husband in the Court of Civil Judge Senior Division, Kolhapur to the Family Court, Pune where Applicant resides with her mother.
3. Apart from the proximity of distance between the two destinations, the difficulty that would be encountered by the Applicant – wife is clearly evident.

4. 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 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 such transfer

5. I have perused the Application with the able assistance of Ms. Thuruwal, learned Advocate for Applicant – wife. She has drawn my attention to the grounds stated in paragraph No.5 of the MCA. On going through the said grounds, it is also seen that Applicant is required to provide care and support for her two year old son who is residing with her.

6. It is further seen from the averments made therein that Respondent – husband is financially well off and has his own medical shop, business of sand supply and a partnership firm called Tanisha Auto Solution. It is seen that father of Applicant has expired in the year 2016. In that view of the matter, the difficulty and hardship of the Applicant is clearly evident. It would be absolutely difficult for her to travel alone all the way to Kolhapur to attend the proceedings

¹ AIR 2022 SC 4318

7. In view of my above observations, MCA stands allowed in terms of prayer clause 'a' which reads thus:-

“a) The Hon’ble Court may pleased to transfer Marriage Petition No. 416 of 2023 pending before the Learned Civil Judge Senior Division, Kolhapur u/s. 9 of the Hindu Marriage Act, 1955 to the Learned Family Court, Pune.”

8. MCA stands allowed and disposed.

[MILIND N. JADHAV, J.]

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