

Ajay

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

MISC. CIVIL APPLICATION NO. 202 OF 2024

Kavita Swapnil Parit	.. Applicant
Versus	
Swapnil Vasant Parit	.. Respondent

-
- Mr. Mohansinh U. Rajput, Advocate for Applicant.
 - None for Respondent.

.....
CORAM : MILIND N. JADHAV, J.
DATE : SEPTEMBER 27, 2024.

P.C.:

- 1.** Heard Mr. Rajput, learned Advocate for Applicant.
- 2.** Respondent – husband has been served. Affidavit of private service has been filed. I have perused the same. That apart, notice through the Court has also been served. None is present for Respondent, when called out. The hearing of the Misc. Civil Application (for short “**MCA**”) cannot be protracted any further. Hence, MCA is taken up for hearing.
- 3.** Present MCA seeks transfer of Marriage Petition No.39 of 2023 filed by the Respondent – husband pending before the Family Court at Kolhapur to the Family Court, Solapur at Solapur. Applicant is residing with her parents at Solapur. Applicant – wife has filed further proceedings under the D.V. Act before the appropriate Court in Solapur as averred in the MCA.

4. Apart from the proximity of distance between the two destinations which is clearly evident, inconvenience and hardship of the Applicant has been enumerated in MCA. I have perused the same. Hardship of the Applicant is evident. It would be absolutely difficult for her to travel all the way to Kolhapur. Applicant is also facing financial constraints due to weaker source of income as stated in the MCA.

5. The grounds of hardship are clearly evident and in view of the decision of the Supreme Court in the case *N.C.V. Aishwarya Vs. A.S. Saravana Karthik Sha*¹, Supreme Court has held that in matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. The Supreme Court has further held that given the prevailing socio-economic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer.

6. The difficulty and inconvenience caused to the Applicant is clearly evident and in view of the extant provisions of Section 24 of the

¹ AIR 2022 SC 4318

Code of Civil Procedure, 1908, the present MCA deserves to be allowed.

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

"a. This Hon'ble Court be pleased to transfer the proceeding bearing Hindu Marriage Petition No. 39/2023 pending before the Ld. Family Court at Kolhapur to The Ld. Family Court, Solapur at Solapur."

8. MCA is allowed and disposed.

[MILIND N. JADHAV, J.]

Ajay

Digitally signed
by AJAY
TRAMBAK
UGALMUGALE
Date:
2024.09.27
20:38:20 +0530