

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 240 OF 2024

Sneha Sudhir Bhajkawale

.. Applicant

Versus

Sudhir Haridas Bhajkawale

.. Respondent

-
- Ms. Stefy Jolwin Dias for Applicant

.....

CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 26, 2024

P. C.:

1. Heard Ms. Dias, learned Advocate for Applicant.
2. Affidavit of service dated 05.09.2024 is placed before this Court by learned Advocate for Applicant which shows that Respondent has been duly served on 04.09.2024 by RPAD. Considering the facts in the present case and the fact that Respondent has been served, present Misc. Civil Application (MCA) is taken up for hearing.
3. Present MCA seeks transfer of Marriage Petition filed by Respondent - husband before Family Court, Belapur to Family Court, Sangli where Applicant - wife is residing along with her four month old daughter and mother who is old as her father has expired. Applicant had separated when she was pregnant. Thereafter she has given birth to her daughter in Sangli. It is seen that thereafter

Marriage Petition No. 113 of 2024 is filed by Respondent - husband before the Family Court, Belapur.

4. Ms. Dias would draw my attention to the facts stated in the present MCA and has meticulously taken me through the grounds stated therein. She would submit that considering the facts in the present case, MCA itself was filed when the Applicant was nine months pregnant and about to deliver a child. She would draw my attention to the proximity of distance between the two destinations and hardship that would be encountered by wife if she was required to travel to attend the proceedings at Belapur. She would submit that Applicant is also required to provide care and support to her infant daughter. These facts are therefore crucial for consideration of the Applicant's case. The ethos of Section 24 has been duly explained by the Supreme Court in the decision in the case of **N.C.V. Aishwarya Vs. A.S. Saravana Karthik Sha**¹ in paragraph Nos. 9 to 11 thereof. The Supreme Court has held that in matrimonial matters whenever Courts are called upon to consider the plea of transfer, it will have to take into consideration an array of factors as stated therein in order to decide the case. That apart looking into the prevailing socio-economic paradigm in the Indian society, it is the wife's convenience which must be looked at while considering such a transfer. The above delineated facts clearly

1 AIR 2022 SC 4318

make out a case for allowing the present MCA. Hence, present MCA is allowed in terms of prayer clause (a) which reads thus:-

"(a) This Honourable Court be pleased to issue necessary order, transferring the Marriage Petition No. 113 of 2024 filed by the Respondent before Hon'ble Family Court Judge, Belapur to the Hon'ble Family Court Judge, Sangli."

5. The concerned Courts shall take cognizance of a server copy of this order and shall not insist on a certified copy of the order and act accordingly for transfer and re-registration of the proceedings as expeditiously as possible and in any event within two weeks from the date of presentation of a server copy of this order to the Courts by the Advocates for the parties.

6. MCA is allowed and disposed.

Amberkar

[MILIND N. JADHAV, J.]

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