

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS CIVIL APPLICATION NO.254 OF 2024

Natasha Vishwajeet Patil
@ Natasha Prasad Gadekar

.. Applicant

Versus

Vishwajeet Vijay Patil

.. Respondent

.....

- Mr. Ritvik Joshi i./by Mr. Sujay Gangal, Advocate for Applicant.
- Mr. Vikrant Anand Desai, Advocate for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 27, 2024

P.C.:

1. Heard Mr. Joshi, learned Advocate for Applicant and Mr. Desai, learned Advocate for Respondent.

2. Applicant is the wife who seeks transfer of Marriage Petition A No.35 of 2024 filed by Respondent – husband in Family Court, Kolhapur to Family Court, Pune. The Applicant is unemployed and dependent entirely on her parents for survival. Looking to the proximity between the two destinations which the Applicant would be required to traverse and the hardship that would be encountered by her, Miscellaneous Civil Application deserves to be allowed.

3. Mr. Desai submits that hardship of Respondent may also be considered by the Court. Mr. Joshi would submit that his parents are old and are required to be looked at and require constant medical

attention and in that view of matter he is required to remain present at all times in Pune to take care of them.

4. I have considered the submissions made by parties and also perused the pleadings. It is seen that there are proceedings under the Protection of Women from Domestic Violence Act, 2005 (for short '**D.V. Act**') filed by Applicant - wife in the Court at Pune which she is prosecuting. The hardship that would be encountered by the Applicant – wife would far outweigh the submissions made on behalf of Respondent – husband. The grounds are enumerated in paragraph No.4 of the Miscellaneous Civil Application and after going through the same there can be no impediment in allowing the present Miscellaneous Civil Application in view of principles laid down by Supreme Court in the case of **N.C.V. Aishwarya Vs. A.S. Saravana Karthik Sha**¹, for considering the Application for transfer in matrimonial matters.

5. However grievance of Respondent can be redressed by permitting him to appear through Video Conferencing before Family Court, Pune.

6. In view of the above observations and findings, Miscellaneous Civil Application stands allowed in terms of prayer clause (a) which reads thus:-

¹ AIR 2022 SC 4318.

“a) *That, this Hon'ble Court may kindly be pleased to transfer the proceedings of Hindu Marriage Petition A. No. 35 of 2024 pending before the Ld. Family Court, Kolhapur to the Ld. Family Court at Pune.*”

7. It is clarified that Respondent shall be permitted to appear through Video Conferencing on all the scheduled dates of hearing.

8. With the above directions, Miscellaneous Civil Application is allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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