

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 244 OF 2024

Sayali Karansingh Nikam

.. Applicant

Versus

Karansingh Vitthalrao Nikam

.. Respondent

.....

- Mr. Mohit Dalvi a/w Mr. Mohan Devkule, Ms. Mrunali Khedekar & Mr. Prathamesh V. Shinde for Applicant
- Mr. Amol L. Dhumal for Respondent

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 3, 2024

P. C.:

1. Heard Mr. Dalvi, learned Advocate for Applicant and Mr. Dhumal, learned Advocate for Respondent.
2. Present Misc. Civil Application seeks transfer of Marriage Petition filed by Respondent-husband pending before the Court of Civil Judge Senior Division, Satara to the Court of Civil Judge Senior Division, Ratnagiri where Applicant is residing.
3. Applicant is residing with her widowed mother and younger brother. Apart from proximity of distance between the two destinations which is approx. 225 kms. one way and the fact that there is no train facility available to travel from Ratnagiri to Satara, hardship of the Applicant is clearly evident. Applicant would otherwise require

accompaniment of an elder / parent to accompany her and would incur substantial expenditure to attend the proceedings at Satara.

4. *Per contra* Mr. Dhumal would submit that Respondent-husband is ready and willing to incur the travel expenditure for the Applicant to attend the proceedings in Satara. He would submit that Applicant has studied upto CA Final and capable of travelling and in that view of the matter there cannot be any impediment for her to attend the proceedings in Satara.

5. I have heard both the learned Advocates as also perused the pleadings in the present MCA. Respondent is an engineer and studied upto B.E. Grounds stated by Applicant in paragraph No. 7 clearly make out a case for allowing the present MCA. Hardship of the Applicant is clearly evident if she would require to attend the Court proceedings in Satara. 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

1 AIR 2022 SC 4318

wife's convenience which must be looked at while considering such a transfer. The above delineated facts clearly make out a case for allowing the present MCA. Hence, present MCA is allowed in terms of prayer clause (a) which reads thus:-

"(a) That this Hon'ble Court may be pleased to transfer Marriage Petition No. 72/2024 pending before the 6th Joint Civil Judge, Senior Division Satara to the court of Civil Judge, Senior Division Ratnagiri.

6. Both 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 events within two weeks from the date of presentation of a server copy of this order to the Courts by the Advocates for the parties.

7. With the above direction, MCA is allowed and disposed.

[MILIND N. JADHAV, J.]

Amberkar

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