

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS CIVIL APPLICATION NO. 504 OF 2022**

Swati Sridhar Gajam ... Applicant

versus

Sridhar Gajam Respondent

Mr. Swanand Kulkarni, Advocate for the Applicant.

Ms. Hetal Patel along with Mr. Suraj Shetya, Advocate for the Respondent.

CORAM : ARUN R. PEDNEKER, J.

DATE : 12th JUNE, 2024.

P.C. :

1. The present application under Section 24 of the CPC seeking transfer of Hindu Marriage Petition No.2570 of 2021 filed by the respondent-husband for divorce in the Family Court at Bandra to the Family Court at Kolhapur.

2. The applicant married the respondent as per the Hindu rites on 12th June 2017 in Pune and was cohabiting with the respondent in the matrimonial house at Mumbai. Due to certain matrimonial disputes, the applicant is now residing with her family at Kolhapur. She has filed a FIR No.510 of 2010 against the respondent in Kolhapur. The applicant has filed an application No.104 of 2021 under Protection of Women from Domestic Violence Act, 2005 before the JMFC at Kolhapur. Thereafter, the respondent-husband filed divorce petition in the Family Court, at Bandra. The learned counsel for the applicant submits that applicant has

no independent source of income and that she is staying with her parents in Kolhapur and, as such, seeks transfer of the divorce petition filed by husband at Mumbai. The learned Advocate further submits that the distance between Kolhapur to Mumbai is 410 kms and that it would be inconvenient for the applicant to attend the divorce proceedings in Mumbai, as such, she seeks transfer of the proceedings initiated in the Court at Mumbai to the Family Court at Kolhapur.

2. Per contra, the learned counsel appearing for the respondent-husband submits that the applicant-wife is appearing in Bombay High Court in quashing proceedings initiated by the husband. She further submits that the applicant-wife has also attended mediation before Justice Dr. Shalini Phansalkar Joshi (Retired) through video conferencing. She further submits that the applicant-wife was working in J.P.Morgan and that she has left the job voluntarily only to claim maintenance and permanent alimony and only to harass the respondent-husband.

3. Looking into the convenience aspects of both the parties and as the applicant-wife is residing at Kolhapur along with her parents and that, she has no independent source of income and that there are other proceedings initiated at Kolhapur under Section 498A as well as under the Domestic Violence Act, it would be more appropriate that the proceedings filed in Family Court at Bandra are transferred to Kolhapur. The husband can conduct proceedings in Kolhapur. The said application is allowed in terms of prayer clause (a).

4. On such transfer, it is directed that the applicant-wife would not seek adjournments in the matter without informing the respondent-husband well in advance so to avoid inconvenience to the husband to travel to Kolhapur, so also, the Family Court at Kolhapur is directed to permit the respondent-husband to appear through video conferencing wherever possible.

5. With the above observation, the application is disposed of.

(ARUN R. PEDNEKER, J.)